

**THE  
PIGEON FORGE  
MUNICIPAL  
CODE**

Prepared by the

**MUNICIPAL TECHNICAL ADVISORY SERVICE  
INSTITUTE FOR PUBLIC SERVICE  
THE UNIVERSITY OF TENNESSEE**

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

January 1996

Change 16, June 26, 2017

**CITY OF PIGEON FORGE, TENNESSEE**

**MAYOR**

David Wear

**VICE MAYOR**

Kevin McClure

**COMMISSIONERS**

Kenny Maples  
Jay Ogle  
Tony Watts

**MANAGER**

Earlene M. Teaster

**FINANCE DIRECTOR/RECORDER**

Dennis Clabo

## Preface

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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 Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini  
Codification Specialist

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

1. General power to enact ordinances: (6-19-101)
2. All ordinances shall begin, "Be it ordained by the City of Pigeon Forge as follows:" (6-20-214)
3. Ordinance procedure
  - (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.
  - (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.
  - (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.
  - (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)
4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.

No such ordinance shall take effect until the ordinance, or its caption, is published except as otherwise provided in chapter 54 part 5 of this title. (6-20-218)

**TITLE 1**

**GENERAL ADMINISTRATION**<sup>1</sup>

**CHAPTER**

1. BOARD OF COMMISSIONERS.
2. CITY MANAGER.
3. CODE OF ETHICS.

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<sup>1</sup>Charter reference

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

## CHAPTER 1

### BOARD OF COMMISSIONERS<sup>1</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. City elections.
- 1-105. Compensation.
- 1-106. Adoption of ordinances.

**1-101. Time and place of regular meetings.** The board of commissioners shall hold regular meetings at 5:30 P.M. on the second and fourth Mondays of each month at city hall. (1979 Code, § 1-201, as amended by Ord. #676, June 2002)

**1-102. Order of business.** At each meeting of the board of commissioners the following regular order of business shall be observed unless dispensed with by a majority vote of the board:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.

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<sup>1</sup>Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.

Appointment and removal of city manager: § 6-21-101.

Compensation of city attorney: § 6-21-202.

Creation and combination of departments: § 6-21-302.

Subordinate officers and employees: § 6-21-102.

Taxation

Power to levy taxes: § 6-22-108.

Change tax due dates: § 6-22-113.

Power to sue to collect taxes: § 6-22-115.

Removal of mayor and commissioners: § 6-20-220.

- (5) Communications from the city manager.
- (6) Reports from commissioners and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1979 Code, § 1-102, modified)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of commissioners at its meetings in all cases to which they are applicable and in which they are not inconsistent with special rules in the municipal charter or adopted by the board. (1979 Code, § 1-103, modified)

**1-104. City elections.** Regular city elections for city commissioners shall be called by the county election commission and held on the second Tuesday of May in each odd numbered year. (1979 Code, § 1-102)

**1-105. Compensation.** The mayor and each commissioner shall be compensated at the rate of \$450.00 per month. The mayor and commissioners shall be paid monthly in accordance with past pay period policy. (1979 Code, § 1-204, as amended by Ord. #604, July 1999)

**1-106. Adoption of ordinances.** All ordinances of the city shall be adopted in accordance with the requirements of the city's charter, particularly Tennessee Code Annotated, §§ 6-20-213 through 6-20-218 except that hereafter only the captions must be read on first reading. Each ordinance shall be read in its entirety on the second reading. Copies of each ordinance shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading. (1979 Code, § 1-205, modified)

## CHAPTER 2

### CITY MANAGER<sup>1</sup>

#### SECTION

1-201. Departments of government.

**1-201. Departments of government.**<sup>2</sup> Pursuant to authority granted in Tennessee Code Annotated, § 6-21-302, the departments as provided in Tennessee Code Annotated, § 6-21-301, are hereby abolished.

All the work and affairs of the city shall be conducted directly under the control and supervision of the city manager. (1979 Code, § 1-101)

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<sup>1</sup>Charter reference

For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly § 6-21-101.

<sup>2</sup>Charter references

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701 and 6-21-704, 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

## CHAPTER 3

### CODE OF ETHICS

#### SECTION

- 1-301. Applicability.
- 1-302. Definition of "personal interest."
- 1-303. Disclosure of personal interest by official with vote.
- 1-304. Disclosure of personal interest in non-voting matters.
- 1-305. Acceptance of gratuities, etc.
- 1-306. Use of information.
- 1-307. Use of municipal time, facilities, etc.
- 1-308. Use of position or authority.
- 1-309. Outside employment.
- 1-310. Ethics complaints.
- 1-311. Violations.

**1-301. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-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. (as added by Ord. #830, June 2007)

**1-302. Definition of "personal interest."** 1. For purposes of §§ 1-303–1-304, "personal interest" means:

- a. Any financial, ownership, or employment interest in the subject of a vote by a municipal board nor otherwise regulated by state statutes on conflicts of interests; or
- b. Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- c. Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

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

3. In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #830, June 2007)

**1-303. 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 shall recuse himself from voting on the measure. (as added by Ord. #830, June 2007)

**1-304. 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. (as added by Ord. #830, June 2007)

**1-305. 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. (as added by Ord. #830, June 2007)

**1-306. 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. (as added by Ord. #830, June 2007)

**1-307. 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. (as added by Ord. #830, June 2007)

**1-308. 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. (as added by Ord. #830, June 2007)

**1-309. 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. (as added by Ord. #830, June 2007)

**1-310. Ethics complaints.** 1. The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

4. When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #830, June 2007)

**1-311. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #830, June 2007)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

**CHAPTER**

1. RECREATION COMMISSION.
2. EDUCATION FUNDING BOARD.
3. SPECIAL EVENTS ADMINISTRATIVE REVIEW.
4. DISQUALIFICATION OF APPOINTED BOARD MEMBERS.

**CHAPTER 1**

**RECREATION COMMISSION**

**SECTION**

- 2-101. Creation, members, terms, compensation, vacancies.
- 2-102. General powers and duties.
- 2-103. Gifts for recreational purposes.
- 2-104. Powers reserved to the board of commissioners.

**2-101. Creation, members, terms, compensation, vacancies.**

Pursuant to Tennessee Code Annotated, title 11, chapter 24 there is hereby created a city "recreation commission" which shall consist of the mayor, city manager, and five (5) Pigeon Forge residents, to be appointed by the board of commissioners to serve for terms of five (5) years or until their successors are appointed. However, the first appointive members shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. The members of the recreation commission shall serve without pay. Any vacancy in the commission occurring otherwise than by expiration of a term shall be filled only for the unexpired term, and such appointment shall be made by the board of commissioners. (1979 Code, § 1-1201)

**2-102. General powers and duties.**

The recreation commission is hereby empowered and directed to provide, establish, maintain, and conduct a supervised recreation program for residents of the City of Pigeon Forge, utilizing such playgrounds, recreation centers, and other land, facilities, and appropriations as the board of commissioners may designate or appropriate for recreational activities. Utilizing only such funds as may be appropriated for the recreation commission's use by the board of commissioners and such additional funds as it may receive gratuitously, the city manager may, in consultation with the recreation director, if that position is filled at the time, employ play leaders, playground directors, supervisors, recreation superintendents, and such other officers or employees as the recreation commission deems proper. (1979 Code, § 1-1202)

**2-103. Gifts for recreational purposes.** The recreation commission may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or recreation purposes, but if the acceptance thereof for such purpose will subject the city to additional expense for improvement, maintenance, or renewal, the acceptance of any grant or devise of real estate shall be subject to the approval of the board of commissioners. Money received for such purpose, unless otherwise provided by the terms of the gift or bequest, shall be deposited by the recorder of the city to the account of the recreation commission and the same may be withdrawn and paid out in the same manner as money appropriated for recreational purposes. (1979 Code, § 1-1203)

**2-104. Powers reserved to the board of commissioners.** It is intended and hereby expressly provided that the recreation commission shall have only those powers herein granted. The board of commissioners expressly reserves to itself all powers to purchase, condemn, or lease lands and buildings; to issue bonds; and to levy taxes for recreational purposes. (1979 Code, § 1-1204)

## CHAPTER 2

### EDUCATION FUNDING BOARD

#### SECTION

2-201. Board created.

**2-201. Board created.** There shall be hereby created an educational funding board which shall exist and operate under the following terms and conditions:

(1) Said board shall consist of seven (7) members appointed to indefinite terms who shall serve at the pleasure of the Pigeon Forge Board of Commissioners and said membership shall include one (1) member who is an active or retired educator, one (1) member who is a school board member, one (1) member of the Pigeon Forge Board of Commissioners, one (1) member who is the city manager or their designee, one (1) member of the business community, one (1) member who is a city resident, and one (1) member who is a city resident or a business owner within the city.

Each new member of the education board shall serve an initial three (3) year term, except that the provisions contained in this section shall not apply to the board seat held by a member of the board of commissioners and the seat held by the city manager and her/his designee, as there shall be no set term for those holding these seats. In order to ensure appropriate continuity, those board members who are serving on the date the ordinance amending this section is passed and wish to continue their service shall be assigned an initial term of either one (1), two (2), or three (3) years. Two (2) of the five (5) members shall be assigned three (3) year terms; two (2) shall be assigned two (2) year terms; and one (1) shall be assigned a one (1) year term. In the event that members cannot agree among themselves regarding the term of their continued service, the length of the initial terms shall be determined by drawing lots.

Members of the education board may serve two (2) consecutive, three (3) year terms, but must then rotate off of the board for no less than one (1) year before being eligible for further service. For members serving on the board as of the date the ordinance amending this section is passed, they shall be entitled to serve the initial term assigned to them and a second three (3) year term before rotating off of the board. Those holding seats on the board designated for a member of the board of commissioners and the city manager or her/his designee are not subject to term limits.

(2) Said board shall review requests from the public schools located within the corporate limits of the City of Pigeon Forge for funding of projects to benefit the schools from revenue generated from tax collected from the sale of alcoholic beverages i.e. wine, liquor and mixed drinks and otherwise referred to herein as a "mixed drink tax."

(3) Said board shall meet no less than one (1) time annually and more often as needed at the discretion of said board.

(4) Before the educational funding board shall approve any project for any public school within the corporate limits of the city, the respective schools shall submit a list of desired equipment or improvements or projects to be funded along with a cost proposal for each project. Should the board elect to approve funding for all or any of said projects, they shall do so by a majority vote and their recommendation shall be forwarded to the city's chief financial officer who shall issue funds to the particular school. No project shall be voted upon for funding approval unless the city's chief financial officer shall advise the board that sufficient funds are available for the same from the mixed drink tax collections and that when required, the Sevier County School System's regulations for public bidding have been met. Should the board fail to approve any requested school project by a majority vote, the same shall be deemed to be rejected and the requesting school shall submit additional requests.

(5) No funds from the mixed drink tax shall be expended to any public school within the corporate limits of the city for any school personnel salary or for any expense that is mandated by the State of Tennessee or any federal rule or regulation. Therefore, the expenditures of mixed drink tax revenue shall benefit projects of the public schools within the City of Pigeon Forge over and above the normal funding for school operations in place by the Sevier County School System.

(6) The board shall on an annual basis divide the revenue from the mixed drink tax by the number of public schools within the corporate limits of the City of Pigeon Forge and funding to any one school shall not exceed that school's percentage of the total mixed drink tax revenue. (as added by Ord. #967, Aug. 2013, and amended by Ord. #1050, Feb. 2018, and Ord. #1085, Nov. 2019)

## CHAPTER 3

### SPECIAL EVENTS ADMINISTRATIVE REVIEW

#### SECTION

- 2-301. Special events and site plan regulations for special events, festivals, and similar activity uses.
- 2-302. Creation, members, terms, vacancies.
- 2-303. General powers and duties.
- 2-304. Appeal from a special events administrative review.

**2-201. Special events and site plan regulations for special events, festivals, and similar activity uses.** It is the general purpose of and intent of this section to require site plans for special events or activities. A special event is a unique festival, fair, carnival or other type of promotion that is outside the customary or usual activities associated with the daily events of the business/property where the special event will be hosted. It is a temporary outdoor use that extends beyond the normal business activities and is designed to draw large crowds to promote a specific charity, cause, city-wide event, hobby or festival. Special events that are held in conjunction with a City of Pigeon Forge city-wide special event promoted by the department of tourism such as Winterfest, Celebrate Freedom, or nationally known non-profit groups with a recognized local chapter, will be allowed permits to operate for thirty (30) consecutive days during that event, providing the applicant can show a direct correlation in activities that promote, compliment and correspond in nature and type with the city sponsored events. Only one (1) permit per business, group or location may be submitted for a city-wide special event permit per calendar year. Special events that are promoted by businesses that are not held in conjunction with city-wide special events may be held for three (3) consecutive days per calendar year, excluding one (1) day for the set-up and one (1) day for the take-down of the event, with an approved site plan. No more than six (6) permits shall be issued to a business, group, or location per calendar year. No special event shall be located on any easements or on any rights-of-way. All special events must be contained solely on the property of the sponsoring business. Special event permits shall be allowed only in commercial districts. The special event review may allow additional time based on extenuating circumstances. (as added by Ord. #1015, May 2016)

**2-202. Creation, members, terms, vacancies.** There is hereby created a special events administrative review to oversee the permitting of special events, peddlers, vendors and similar short-term outdoor displays and events. The special events administrative review is an in-house review in which proposals are distributed to the following departments and agencies: police, fire, planning, streets, utilities, solid waste, recreation, tourism and trolley. The

review shall be conducted on an as needed basis in the review applications for special events, peddlers, vendors. The special events applications may be approved administratively unless staff thinks that a full planning commission review is necessary. (as added by Ord. #1015, May 2016)

**2-203. General powers and duties.** The powers and duties are to review all applications for special events, peddlers and vendors to determine the health safety and welfare issues of each event. Off Premise Canvasser (OPCs) requirements are not included in these sections but OPCs are required to meet §§ 9-208 through 9-216. The review power shall include all those enumerated in title 9, chapter 2 of the municipal code entitled peddlers, etc., § 9-205. Additional powers include the right to deny a special event permit for fraud, incompleteness of application, conflicts in time and location with other special events, timing of the applicant event, location of an event, problems with past events by the same applicant or group represented, potential damage to public property, disapproval of site owner or property owners, potential harm to the public, noise, potential abuse of animals, lack of sanitary facilities for waste, after hours noise nuisance by holding the event after 12:00 A.M. and before 7:00 A.M., site incapacity to handle crowds, disruptions to adjacent businesses by blocking of access to facilities or any other unsafe conditions. (as added by Ord. #1015, May 2016)

**2-204. Appeal from a special events administrative review.** An appeal from a special events administrative review is to the planning commission for a full hearing. (as added by Ord. #1015, May 2016)

## CHAPTER 4

### DISQUALIFICATION OF APPOINTED BOARD MEMBERS

#### SECTION

2-401. Removal of board member.

**2-401. Removal of board member.** Any member of any appointed board of the City of Pigeon Forge who files or has any legal action against the city in their name or in the name of any legal entity in which they have a family or controlling interest, shall be and is immediately disqualified and removed from their appointed board position. (as added by Ord. #1041, July 2017)

**TITLE 3**

**MUNICIPAL COURT**

**CHAPTER**

1. COURT COST AND FINES.
2. MISCELLANEOUS.

**CHAPTER 1**

**COURT COST AND FINES**

**SECTION**

- 3-101. Fines.
- 3-102. Court cost.
- 3-103. Exceptions.

**3-101. Fines.** Any violation of a municipal ordinance contained in the municipal code except those set forth below for the City of Pigeon Forge shall carry a minimum fine of twenty (\$20.00) dollars and a maximum fine of fifty (\$50.00) dollars unless a greater minimum fine is established elsewhere in a specific ordinance contained in the municipal code. (as added in Ord. #681, Aug. 2002)

**3-102. Court cost.** The court cost for any violation of a municipal ordinance contained in the municipal code except those set forth below for the City of Pigeon Forge shall be fifty (\$50.00) dollars. (as added in Ord. #681, Aug. 2002)

**3-103. Exceptions.** These provisions shall not apply to parking violations which are outside handicap and fire lane zones and further these provisions shall not apply to child restraint or seatbelt violations. (as added in Ord. #681, Aug. 2002)

**CHAPTER 2**

**MISCELLANEOUS**

**SECTION**

3-201. City court conduct, attire and safety.

**3-201. City court conduct, attire and safety.** (1) Any litigants or individuals attending city court shall be properly dressed and any litigant or individual appearing before the city court judge during regular city court hours shall be prohibited from wearing the following:

(a) Any blouse or shirt which depicts obscene or vulgar language or any drawing or photograph depicting nudity or obscenity.

(b) Hats or caps of any type in the courtroom.

(c) Any blouse or shirt which exposes any portion of the stomach, back or torso due to its short length.

(d) Any shorts, trousers or skirts which expose any portion of the hips or buttocks or undergarments.

(2) No person shall be allowed to enter upon the property of the City of Pigeon Forge City Hall or upon the City Police Department grounds while carrying a firearm of any type. Said exclusion shall specifically not apply to duly bonded and trained law enforcement officers for the city or any local, state or federal agency. (as added by Ord. #794, April 2006)

**TITLE 4**

**MUNICIPAL PERSONNEL**

**CHAPTER**

1. MATTERS GOVERNED BY EMPLOYEE HANDBOOK.
2. MISCELLANEOUS EMPLOYMENT RELATED MATTERS..
- 3.--6. DELETED.

**CHAPTER 1**

**MATTERS GOVERNED BY EMPLOYEE HANDBOOK**

**SECTION**

- 4-101. Employee handbook.  
4-102.--4-107. Deleted..

**4-101. Employee handbook.**<sup>1</sup> The employee handbook dated January 1, 2018, incorporated fully herein by reference, shall govern the hiring, retention, discipline and termination of employees; will promote uniformity and fairness in the employment process and work environment; will ensure compliance with all applicable federal and state law, and city ordinances; and will provide city employees and candidates for employment with information regarding employment policies, expectation, and benefits. The employee handbook shall be made available during regular business hours at the office of the city manager for reference, and a copy shall be provided to each employee of the city upon commencement of employment. (1979 Code, § 1-701, as replaced by Ord. #1045, Nov. 2017)

**4-102.--4-107. Deleted.** (1979 Code, §§ 1-707--1-707, as deleted by Ord. #1045, Nov. 2017)

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<sup>1</sup>The Employee Handbook for the City of Pigeon Forge (and any amendments thereto) are available in the office of the city manager.

## CHAPTER 2

### MISCELLANEOUS EMPLOYEE RELATED MATTERS

#### SECTION

4-201. Social Security benefits extended.

4-202.--4-204. Deleted.

**4-201. Social Security benefits extended.** The City of Pigeon Forge, Tennessee extends to the employees and officials thereof, who are not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress.

(1) The city mayor is hereby authorized and directed to enter into and execute any and all agreements and amendments thereto with any and all necessary state and federal agencies as may be necessary from time to time to secure said coverage of employees and officials, as provided in the proceeding section.

(2) The city shall also appropriate funds for the employer's contribution as required by applicable state and federal laws or regulations, and the same shall be paid over to the applicable state or federal agency designated by said laws or regulations.

(3) The city shall maintain records of such contributions by employees and the city as are required by state and federal laws and regulations.

(4) There shall be no authority to enter into an agreement to provided Social Security benefits to any employee or official who is now covered or authorized to be covered by any other ordinance creating any retirement system for the employee or official, or particular position, or where coverage is excluded or unauthorized by state or federal laws or regulations. The city also specifically excludes from coverage election officials/workers who receive remuneration of less than one thousand dollars (\$1,000.00) per year (as of January 1, 1995, as adjusted since that time pursuant to section 218(c)(8)(B) of the Social Security Act). (1979 Code, § 1-801, as replaced by Ord. #1045, Nov. 2017)

**4-202.--4-204. Deleted.** (1979 Code, §§ 1-802--1-804, as deleted by Ord. #1045, Nov. 2017)

**CHAPTERS 3--6**

**DELETED**

(these chapters were deleted by Ord. #1045, Nov. 2017)

**TITLE 5****MUNICIPAL FINANCE AND TAXATION<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PROPERTY TAXES.
3. PRIVILEGE TAXES GENERALLY.
4. PRIVILEGE TAX ON PRIVATE CLUBS.
5. PIGEON FORGE GROSS RECEIPTS TAX.
6. HOTEL - MOTEL TAX.
7. AMUSEMENT TAX.
8. PRIVILEGE TAX ON ALCOHOLIC BEVERAGES.
9. PRIVILEGE TAX ON RESTAURANTS.

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

- 5-101. Official depository for city funds.
- 5-102. Fiscal year of the city.
- 5-103. Budget amendment.
- 5-104. Purchasing.

**5-101. Official depository for city funds.** Sevier County Bank, Citizen's National Bank, BB&T, Tennessee State Bank, Home Federal Bank, Smart Bank, First Tennessee Bank, and investment depositories recommended by Cumberland Securities are hereby designated the official depositories of the City of Pigeon Forge. All deposits totaling more than one hundred thousand dollars (\$100,000.00) shall be secured in a manner satisfactory to the city recorder. All other deposits shall be insured by an agency of the federal government.<sup>2</sup> (1996 Code, § 5-101)

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<sup>1</sup>Charter reference  
Finance and taxation: title 6, chapter 22.

<sup>2</sup>Charter reference  
*Tennessee Code Annotated*, § 6-22-120, prescribes depositories for city funds.

**5-102. Fiscal year<sup>1</sup> of the city.** The fiscal year of the city shall begin on July 1 and end on June 30. (1996 Code, § 5-102)

**5-103. Budget amendment.** Prior to the approval of any amendment to the annual budget that would increase appropriations for the expenditure of city funds, the board of mayor and commissioners shall approve a resolution that identifies a corresponding source of funds to cover the proposed additional expenditure, and/or identifies a corresponding reduction in expenditure to compensate for the proposed additional expenditure. (1996 Code, § 5-103)

**5-104. Purchasing.** All purchases and leases or lease purchase agreements shall be made and entered into only after public advertisement and competitive bid, except as follows:

(1) Purchases costing less than twenty-five thousand dollars (\$25,000.00); provided that this exemption shall not apply to purchases of like items which individually cost less than twenty-five thousand dollars (\$25,000.00), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed twenty-five thousand dollars (\$25,000.00) during any fiscal year. At least three (3) written quotes are required whenever possible for purchases costing less than the city's competitive bid threshold of twenty-five thousand dollars (\$25,000.00) but more than forty percent (40%) of such threshold;

(2) Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the municipal governing body and the chief executive officer of the municipality and shall include all items of information as required for the record;

(3) Purchases or leases of any supply, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of such emergency purchase shall be made by the person or body authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the municipal governing body and the chief executive officer

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<sup>1</sup>Charter reference

*Tennessee Code Annotated*, § 6-22-121, provides that the fiscal year of the city shall begin on July 1 unless otherwise provided by ordinance.

of the municipality, and shall include all items of information as required in the record;

(4) Leases or lease purchase agreements requiring total payment of less than five thousand dollars (\$5,000.00) in each fiscal year the agreement is in effect; provided, that this exemption shall not apply to leases of like or related items which individually may be leased or lease purchased with total payments of less than five thousand dollars (\$5,000.00) in any fiscal year, but which are customarily leased or lease purchased in numbers of two (2) or more, if the total lease or lease purchase payment for such items under a single agreement would be five thousand dollars (\$5,000.00) or more in any fiscal year;

(5) Purchases, leases, or lease purchases of real property;

(6) Purchases, leases, or lease purchases from any federal, state, or local governmental unit or agency of second hand articles or equipment or other materials, supplies, commodities, and equipment;

(7) Purchases of perishable commodities may be exempt from the requirements of public advertisement and competitive bidding, when such items are purchased in the open market. A record of all such purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such purchases shall be made, at least monthly, to the chief executive officer and the governing body, and shall include all items of information as required in the record;

(8) Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services contract where available; and

(9) Purchases for resale of natural gas and propane gas and on purchase, lease, or lease purchases of more than two thousand five hundred dollars (\$2,500.00), the city manager shall solicit informal proposals from providers. (1996 Code, § 5-104, as amended by Ord. # 2023-1150, June 2023)

## CHAPTER 2

### PROPERTY TAXES<sup>1</sup>

#### SECTION

- 5-201. When due and payable.
- 5-202. When delinquent--penalties.
- 5-203. Tax rate levied.

**5-201. When due and payable.**<sup>2</sup> Taxes levied by the city against property shall become due and payable annually on October 17 of the year for which levied. (1996 Code, § 5-201)

**5-202. When delinquent--penalties.**<sup>3</sup> On the March 1 following the year for which said taxes are levied, a penalty of two percent (2%) upon all such taxes remaining unpaid shall be imposed and collected by the city and paid into

<sup>1</sup>State law references

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

*Tennessee Code Annotated*, § 67-5-2010(b), provides that if the county trustee collects the municipality's property taxes, interest of one and one-half percent (1.5%) shall be added on March 1, following the tax due date and on the first day each succeeding month.

<sup>2</sup>Charter references

*Tennessee Code Annotated*, § 6-22-110, sets the due date of November 1 of the year for which the taxes are assessed, but *Tennessee Code Annotated*, § 6-22-113, provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

<sup>3</sup>Charter reference

*Tennessee Code Annotated*, § 6-22-112, sets the tax delinquency of December 1 of the year for which the taxes are assessed, but *Tennessee Code Annotated*, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

the city treasury. An additional penalty of two percent (2%) shall be added for each month thereafter, for up to twelve (12) months, that such taxes remain unpaid.<sup>1</sup> (1996 Code, § 5-202, modified)

**5-203. Tax rate levied.** Tax rate levies for taxable property within the corporate limits of Pigeon Forge, as amended from time to time, may be reviewed in the office of the city recorder. (1996 Code, § 5-203)

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<sup>1</sup>Charter reference

*Tennessee Code Annotated*, § 6-22-114, directs the finance director to turn over the collection of delinquent property taxes to the county trustee.

State law reference

A municipality has the option of collecting delinquent property taxes any one (1) of three (3) ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes.
- (2) Under *Tennessee Code Annotated*, §§ 6-55-201 to 6-55-202 and §§ 6-55-204 to 6-55-206.
- (3) By the county trustee under *Tennessee Code Annotated*, § 67-5-2005.

## CHAPTER 3

### PRIVILEGE TAXES GENERALLY

#### SECTION

5-301. Tax levied.

5-302. License required.

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

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

CHAPTER 4

PRIVILEGE TAX ON PRIVATE CLUBS

SECTION

5-401. Tax levied.

**5-401. Tax levied.** It is hereby declared the legislative intent that every person is exercising a taxable privilege who engages in the business of selling at retail in this city alcoholic beverages for consumption on or off the premises. For the exercise of such privilege, the following tax is levied for city purposes to be paid annually, to wit:

Private Club . . . . . \$300.00

The amount of privilege tax as set out herein shall be for one (1) year and each privilege license shall expire on the expiration of the seller's state license for that year. The privilege tax as set out herein shall be paid to the city recorder of the City of Pigeon Forge. All clubs already operating as of the effective date of this provision, but which have less than one (1) year to the expiration date of their current license, shall pay a pro rata portion of the three hundred dollars (\$300.00) fee set out herein. (1996 Code, § 5-401)

## CHAPTER 5

### PIGEON FORGE GROSS RECEIPTS TAX

#### SECTION

5-501. Title.

5-502. Definitions.

5-503. Tax levied.

5-504. When due and payable, penalty and interest for delinquency, assessments by recorder, records.

5-505. Procedure when tax return is not filed, is fraudulent, etc.

5-506. Issuance of distress warrants for collection of tax.

5-507. Discontinuance or transfer of business.

5-508. Refunds or credit for overpayment of tax; forms for filing returns; recorder to enforce; make rules and regulations, etc.

**5-501. Title.** This chapter shall be known as the "Pigeon Forge Gross Receipts Tax Ordinance," and the tax herein imposed shall be in addition to all other privilege taxes. (1996 Code, § 5-501)

**5-502. Definitions.** The following words, terms and phrases, when used in this chapter, shall be the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "City recorder" means and includes the City Recorder of the City of Pigeon Forge, or his duly authorized assistants.

(2) "Doing business" means and includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit, or advantage, either direct or indirect. The term "doing business" shall not be construed in this chapter to include occasional or isolated transactions by a person who does not hold himself out as engaged in business within the corporate limits of the City of Pigeon Forge.

(3) "Gross receipts" means the total receipts, whether paid in money or otherwise, of all persons subject to the chapter, before anything whatsoever of any kind or character is deducted.

(4) "Person" means and includes any individual, firm, partnership, corporation, estate, trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.

(5) "Tangible personal property" means and includes personal property, which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance, or other obligations or securities. (1996 Code, § 5-502)

**5-503. Tax levied.** It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who is doing business within the corporate limits of the City of Pigeon Forge, and for the exercise of said privilege there is hereby levied a tax of one percent (1%) upon the gross receipts of all such persons.

(1) The tax so levied shall specifically include, but shall not be limited to, the following privileges:

The privilege of selling tangible personal property at wholesale or retail; the privilege of renting or furnishing things or services; the privilege of storing tangible personal property within the limits of said municipality for sale; the privilege of renting any rooms, lodging or accommodations furnished to transients by any hotel, inn, tourist cabin, tourist court, tourist camp, motel, or any other place in which rooms, lodgings or accommodations are furnished to transients for a consideration; the privilege of operating or conducting a garage, parking lot, and other place of business for the purpose of parking or storing motor vehicles; the privilege of operating places of amusement, sports or entertainment, including billiard or pool halls, bowling alleys, amusement devices, musical devices, amusement parks, carnivals, circuses, horse shows, athletic contests, wrestling matches, prize fights, boxing and wrestling exhibitions, skating rinks, public bathing houses, public dance halls, museums, riding academies, tourist guide services, "sky-lift" services, swimming pools, shooting galleries, miniature golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged.

(2) The said tax is hereby levied upon all persons doing business, as defined in § 5-502 hereof, within the corporate limits of the City of Pigeon Forge, regardless of whether or not such business privilege is enumerated in subsection (1) of this section.

(3) The said tax shall be collected from all persons as defined herein and paid at the time and in the manner as hereinafter provided.

(4) The tax so levied and shall be in addition to all other taxes, whether levied in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes levied.

(5) It is specifically provided that said tax shall be paid by and absorbed by the person, firm, or corporation doing business or exercising any of the foregoing privileges, and shall not be passed on to or paid by customers, vendees, consumers, and patrons paying therefor. (1996 Code, § 5-503)

**5-504. When due and payable, penalty and interest for delinquency, assessments by recorder, records.** (1) The gross receipts tax of one-half percent (1/2%) levied hereunder shall be due and payable monthly, beginning on June 9, 1980, and for the purpose of ascertaining the amount of tax payable under this chapter it shall be the duty of all persons subject to this tax on or before the twentieth day of the month following the month in which this

tax shall become effective to submit to the city recorder, upon forms prescribed, prepared and furnished by him, returns, showing the gross receipts arising from the doing of business during the preceding calendar month; and thereafter like returns shall be prepared and submitted to said city recorder by all persons subject to this chapter on or before the twentieth day of each month, for the preceding calendar month.

(2) When any person subject to this chapter shall fail to make any return and pay the full amount of the tax required by this chapter there shall be imposed, in addition to other penalties provided herein, a specific penalty to be added to the tax in the amount of five percent (5%), if the failure is for not more than thirty (30) days, with an additional five percent (5%) for each additional thirty (30) days, or fraction thereof, during which the failure continues, not to exceed twenty-five percent (25%) in the aggregate. In the case of a false or fraudulent return, where willful intent exists to defraud the City of Pigeon Forge of any tax due under this chapter, a specific penalty of fifty percent (50%) of tax bill shall be assessed.

When any person fails to remit any tax, or any portion thereof, on or before the day when such tax shall be required by law to be paid there shall be added to the amount due interest at the rate of six percent (6%) per annum from the date due until paid.

All penalties and interest imposed by this chapter shall be payable to and collectible by the city recorder in the same manner as if they were a part of the tax imposed.

The city recorder for good cause may extend for a period not to exceed thirty (30) days the time for making any returns required under the provisions of this chapter.

(3) In the event any person fails to make a report and pay the tax as provided by this chapter, or in case any person makes a grossly incorrect return, or a return that is false or fraudulent it shall be the duty of the city recorder to make an estimate for the taxable period of such person's gross receipts, and assess and collect the tax and interest, plus penalties if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the person owing said tax.

(4) It shall be the duty of every person required to make a return and pay said tax under this chapter to keep and preserve suitable records of the gross receipts of such person taxable under this chapter, and such other books of account as may be necessary to determine the amount of tax due hereunder, and other information as may be required by the city recorder, and it shall be the duty of every such person, moreover, to keep such books of account for a period of two (2) years, and all such books of account or other records shall be open to examination at all reasonable hours to the city recorder or any of his authorized agents. (1996 Code, § 5-504)

**5-505. Procedure when tax return is not filed, is fraudulent, etc.**

(1) If any person subject to making and filing a return required by the provisions of this chapter fails to render such return within the time required or renders a return which is false or fraudulent in that it contains statements which differ from the true gross receipts taxable under this chapter, or otherwise fails to comply with the provisions of this chapter for the taxable period for which said return is made, the city recorder shall give such person ten (10) days notice in writing requiring such person to appear before him or his assistant with such books, records and papers as to may require relating to the business of such person for such taxable period; and said city recorder may require such person, or the agents and employees of such person, to give testimony or to answer interrogatories under oath administered by the city recorder or his assistants respecting the gross receipts of such person subject to tax or the failure to make report thereof as provided in this chapter.

(2) If any such person fails to make any such return or refuses to permit an examination of his books of account or records, or to appear and answer questions within the scope of such investigation relating to his gross receipts, the city recorder is hereby authorized to make an assessment based upon such information as may be available to him and to issue a distress warrant for the collection of any such taxes, interest or penalties found to be due. Any such assessment shall be deemed prima facie correct.

(3) At the time of submitting the return required hereunder to the city recorder, the persons subject to this chapter shall remit to him therewith the amount of tax due under the applicable provisions of this chapter and failure to remit such tax shall cause said tax to become delinquent.

(4) All taxes, interest, and penalties imposed under this chapter shall be paid to the City Recorder of the City of Pigeon Forge in the form of remittance required by him.

(5) All persons subject to the provisions of this chapter failing or refusing to furnish any return herein required to be made, or failing or refusing to furnish a supplemental return or other data required by the city recorder, or who shall violate any other provision of this chapter, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding fifty dollars (\$50.00). Each day's violation shall be deemed a separate offense and punishable as such. (1996 Code, § 5-505)

**5-506. Issuance of distress warrants for collection of tax.** The tax imposed by this chapter shall for each month become delinquent on the twenty-first day of each succeeding month.

The city recorder is hereby empowered and it shall be his duty when any tax becomes delinquent under this chapter to issue in the name of the city a distress warrant for the collection of the tax, interest, and penalty from each delinquent taxpayer. Said distress warrant shall run in the name of the city and shall be addressed to, and may be executed by, the chief of police or any

police officer of the city, or by the sheriff or any deputy sheriff of Sevier County, and may be made returnable at any time not exceeding thirty (30) days from the date of issuance to the office of the city recorder.

Upon levy of such distress warrant upon the property of any such person who may be delinquent on the payment of said tax, the officer making said levy will advertise the same for sale as in cases of execution sales under the laws of the State of Tennessee, and, upon making sale shall make due return of the said warrant to the office of said city recorder, and will pay over to the said city recorder all sums realized therefrom.

In case any officer shall make a levy under a distress warrant so issued and he shall not have sufficient time to advertise and make sale before the return of said warrant, the city recorder is authorized upon the return thereof to issue a new distress warrant or extend the time of the old distress warrant so the legal advertisement and sale may be made pursuant to said levy. (1996 Code, § 5-506)

**5-507. Discontinuance or transfer of business.** If any person liable for any tax, interest, or penalty levied hereunder shall sell out his business or stock of goods, or shall quit the business, he shall make a final return and payment within fifteen (15) days after the date of selling or quitting the business. His successor, successors, or assigns, if any, shall withhold sufficient of the purchase money to cover the amount of such taxes, interests and penalties due and unpaid until such former owner shall produce a receipt from the city recorder showing that they have been paid, or a certificate stating that no taxes, interest, or penalties are due. If the purchaser of a business or stock of goods shall fail to withhold the purchase money as above provided, said purchaser shall be personally liable for the payment of the taxes, interest, and penalties accruing and unpaid on account of the operation of the business by any former owner, owners, or assigns. (1996 Code, § 5-507)

**5-508. Refunds or credit for overpayment of tax; forms for filing returns; recorder to enforce; make rules and regulations, etc.** The city recorder is hereby empowered, for good cause shown, to refund to any taxpayer any overpayment of the taxes due under this chapter, and for this purpose the city recorder may issue to any person an official credit memorandum for such overpayment of taxes which may be accepted in the remittance for subsequent taxes accrued under the provisions of this chapter. Provided, however, in cases where a person has retired from business and has filed a final return, a refund of taxes may be made if it can be established to the satisfaction of the city recorder that the tax was not due. Application for such refund, however, must be made within a period of ninety (90) days after the filing of such final return.

The city recorder shall design, prepare, print, and furnish to all persons, or make available to all persons who are subject to this chapter all necessary forms for filing returns and instructions to ensure a full collection from such

persons and an accounting for the taxes due, but failure of any person to secure such forms shall not relieve such person from the payment of said tax the time and in the manner herein provided.

The city recorder and his assistants are hereby authorized and empowered to administer the oath for the purpose of enforcing and administering the provisions of this chapter.

The city recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws or the Constitution of the State of Tennessee or the United States, for the enforcement of the provisions of this chapter and the collection of revenues hereunder. (1996 Code, § 5-508)

**CHAPTER 6****HOTEL - MOTEL TAX<sup>1</sup>****SECTION**

- 5-601. Definitions.
- 5-602. Levy of tax.
- 5-603. Tax added to room invoice.
- 5-604. Remittance to city recorder.
- 5-605. Offer to absorb tax prohibited.
- 5-606. Penalties and interest for delinquency.
- 5-607. Records.
- 5-608. Administration.
- 5-609. Expending and distributing tax.
- 5-610. Tax is additional tax.
- 5-611. Rules and regulations.

**5-601. Definitions.** For the purpose of this chapter, the following definitions shall apply:

(1) "Consideration" means the consideration charged whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

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<sup>1</sup>Charter references  
Priv. Acts 1979, ch. 159.

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

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days. (1996 Code, § 5-601)

**5-602. Levy of tax.** There is hereby levied a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of two and one half percent (2 1/2%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinafter provided. (1996 Code, § 5-602)

**5-603. Tax added to room invoice.** Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the City of Pigeon Forge. (1996 Code, § 5-603)

**5-604. Remittance to city recorder.** The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the city recorder. Said tax to be remitted to such officer not later than the twentieth day of each month next following collection from the transient. (1996 Code, § 5-604)

**5-605. Offer to absorb tax prohibited.** No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded. (1996 Code, § 5-605)

**5-606. Penalties and interest for delinquency.** Taxes collected by an operator which are not remitted to the city recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor. The fine shall be

applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the city recorder. (1996 Code, § 5-606)

**5-607. Records.** It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the city recorder shall have the right to inspect at all reasonable times. (1996 Code, § 5-607)

**5-608. Administration.** In administering and enforcing the provisions of this chapter, the city recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in *Tennessee Code Annotated*, title 67, or otherwise provided by law.

Upon any claim or illegal assessment and collection, the taxpayer shall have the remedy provided in *Tennessee Code Annotated*, § 67-1-911, it being the intent of this chapter that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this chapter; provided, the city recorder shall possess those powers and duties as provided in *Tennessee Code Annotated*, § 67-1-707(a) and (b), with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under the authority of this chapter and to direct the refunding of the same. Notice of any tax paid under protest shall be given to the city recorder, and suit for recovery shall be brought against him. (1996 Code, § 5-608)

**5-609. Expending and distributing tax.** The proceeds from the tax levied herein shall be retained by the municipality and distributed as follows:

(1) One-third (1/3) of the proceeds shall be used for direct promotion of tourism.

(2) One-third (1/3) of the proceeds shall be used for tourist related activities.

(3) One-third (1/3) of the proceeds shall be deposited in the general funds of the municipality.

Proceeds of this tax may not be used to provide a subsidy in any form to any hotel or motel. (1996 Code, § 5-609)

**5-610. Tax is additional tax.** The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied. (1996 Code, § 5-610)

**5-611. Rules and regulations.** The city recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws, for the enforcement of the provisions of this chapter and the collection of revenues hereunder. Further the city recorder shall design, prepare, print and make available to all persons who are subject to this chapter all necessary forms for filing returns and instructions to ensure full compliance with the provisions of this chapter. (1996 Code, § 5-611)

## CHAPTER 7

### AMUSEMENT TAX<sup>1</sup>

#### SECTION

- 5-701. Definitions.
- 5-702. Levy of tax.
- 5-703. Tax added to ticket.
- 5-704. Remittance to city recorder.
- 5-705. Offer to absorb tax prohibited.
- 5-706. Penalties and interest for delinquency.
- 5-707. Records.
- 5-708. Administration.
- 5-709. Expending and distributing tax.
- 5-710. Tax is additional tax.

**5-701. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions shall apply:

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

(2) "Amusement" means any theater, motion picture house, cinema, athletic contest, exhibition, pageant, show, production, demonstration, play, performance, concert, musicale, recital, reading, circus, carnival, act, exhibit, lecture, address, nightclub, cabaret, dance, dance hall, restaurant which provides either floorshow, singing, dancing, or dancing facilities for patrons, any ride or excursion where passengers are taken on and discharged within the county boundaries, any amusement park, theme park, museum, swimming pool, wave pool, water slide, bumper cars, bumper boats, shooting galleries, and all games of skill or chance, as well as all mechanical or electrical devices operated for pleasure or skill where a fee is charged for admission or entrance or for the purpose of playing them, or where there is any charge whatever for them or in connection with them either directly or indirectly, where such games or devices are located in any amusement park or amusement center.

(3) "Consideration" means the consideration charged whether or not received, for an admission for an amusement valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom

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<sup>1</sup>Charter reference

See Priv. Acts 1979, ch. 98.

whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the service provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

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

(5) "Operator" means the person operating an amusement.

(6) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(7) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the municipality tourists, visitors and other interested person from outside the area, and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same purposes. It also means the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourist, conventions, and recreational business. (1996 Code, § 5-701)

**5-702. Levy of tax.** There is hereby levied a privilege tax upon the privilege of a consumer paying consideration for admission into or for an amusement within the corporate limits of the City of Pigeon Forge at two and one half percent (2 1/2%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the consumer enjoying the amusement and is to be collected and distributed as hereinafter provided. (1996 Code, § 5-702)

**5-703. Tax added to ticket.** Such tax shall be added by each and every operator to each ticket sold for a consideration for admission into or for such amusement, and shall be collected by such operator from the consumer and remitted to the city recorder. The tax shall not be assumed by the operator. Where the tax calculated on any individual admission ticket includes any fraction of a cent, the next highest full cent shall be charged. (1996 Code, § 5-703)

**5-704. Remittance to city recorder.** The tax hereby levied shall be remitted by all operators who lease, rent, or own an amusement to the City Recorder of the City of Pigeon Forge, to be remitted to such officer not later than the twentieth day of each month next following collection from the consumer. The city recorder may promulgate reasonable rules and regulations for the enforcement and collection of the tax, shall prescribe any necessary forms, and may, by regulations, set other reporting and paying dates and periods. (1996 Code, § 5-704)

**5-705. Offer to absorb tax prohibited.** No operator of an amusement shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the consideration, or that, if added, any part will be refunded. (1996 Code, § 5-705)

**5-706. Penalties and interest for delinquency.** Taxes collected by an operator which are not remitted to the city recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or a fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a consumer to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor. The fine shall be applicable to each individual transaction involving an amusement taxable by this act when the operator fails or refuses to pay the tax payable to the city recorder. (1996 Code, § 5-707)

**5-707. Records.** It shall be the duty of every operator liable for the collection and payment to the City of Pigeon Forge of any tax levied under the authority granted by this chapter to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the City of Pigeon Forge he may have been liable, which records the city recorder shall have the right to inspect at all reasonable times. (1996 Code, § 5-708)

**5-708. Administration.** In administering and enforcing the provisions of this act, the city recorder shall have as additional powers the powers and duties with respect to collection taxes provided in *Tennessee Code Annotated*, title 67; or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in *Tennessee Code Annotated*, § 67-1-911, it being the intent of this act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this chapter; provided, the city recorder shall possess those powers and duties as provided in *Tennessee Code Annotated*, § 67-1-707(a) and (b), with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under the authority of this act and to direct the refunding of the same. Notice of any tax paid under protest shall be given to the city recorder, and suit for recovery shall be brought against him. (1996 Code, § 5-709)

**5-709. Expending and distributing tax.** The proceeds from the tax levied herein shall be retained by the City of Pigeon Forge and distributed as follows:

(1) One-third (1/3) of the proceeds shall be used for direct promotion of tourism.

(2) One-third (1/3) of the proceeds shall be used for tourist-related activities.

(3) One-third (1/3) of the proceeds shall be deposited in the general funds of the municipality.

Proceeds of this tax may not be used to provide a subsidy to any amusement. (1996 Code, § 5-710)

**5-710. Tax is additional tax.** The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, gross receipts tax, and shall be in addition to all other fees and taxes now levied or authorized to be levied. (1996 Code, § 5-711)

## CHAPTER 8

PRIVILEGE TAX ON ALCOHOLIC BEVERAGES

## SECTION

5-801. Tax levied.

5-802. City recorder to collect.

**5-801. Tax levied.** (1) There is hereby levied a privilege tax on any business engaged in the selling at retail of alcoholic beverages as defined in *Tennessee Code Annotated*, § 57-4-102, for consumption on the premises as follows:

- (a) Private club (\$300.00);
- (b) Hotel/motel (\$1,000.00); and
- (c) Convention center (\$500.00).
- (d) Restaurant--according to seating capacity on licensed premises:
  - (i) (75) to (125) seats (\$600.00);
  - (ii) (126) to (175) seats (\$750.00);
  - (iii) (176) to (225) seats (\$800.00);
  - (iv) (226) to (275) seats (\$900.00);
  - (v) (276) and over (\$1,000.00); and
- (e) Caterer (\$500.00).

(2) If a restaurant is licensed by the State of Tennessee to sell wine only the privilege tax imposed shall be one fifth (1/5) the amount specified in subsection (1).

- (a) Community theater (\$300.00);
- (b) Museum (\$300.00); and
- (c) Theater (\$300.00).

(1996 Code, § 5-801)

**5-802. City recorder to collect.** The tax shall be collected annually by the city recorder in advance of that year's privilege to sell alcoholic beverages as referred to herein. (1996 Code, § 5-802)

## CHAPTER 9

### PRIVILEGE TAX ON RESTAURANTS

#### SECTION

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

**5-901. Levy of tax.** There is hereby levied a privilege tax upon the privilege of purchasing food from any establishment selling prepared food in the City of Pigeon Forge, whether for consumption on-premises or off-premises, including, but not limited to, restaurants, cafés, cafeterias, caterers, delicatessens, snack bars, ice cream parlors, lunch rooms or counters within other retail businesses, and other similar establishments engaged in selling prepared food. Without limiting the forgoing, the establishments covered by this chapter include, but are not limited to, any "food service establishment" as defined in *Tennessee Code Annotated*, title 68. Said privilege tax shall be in an amount equal to one percent (1%) of the consideration charged by the operators of said establishments. Said tax so imposed is a privilege upon the purchasing of food by patrons of said establishments and is to be collected and distributed as hereinafter provided. (1996 Code, § 5-901)

**5-902. Tax added to food invoice.** Said tax shall be added by each and every operator of establishments covered by this chapter to each invoice prepared by the operator of said establishment. Said invoice shall be given directly to the purchaser and shall be collected by the operator from the purchaser at the time of sale. Where the tax calculated includes any fraction of a cent, the next highest full cent shall be charged. (1996 Code, § 5-902)

**5-903. Remittance to city recorder.** The tax hereby levied shall be remitted by all operators of establishments subject to said tax to the city recorder. Said tax shall be remitted to the city recorder not later than the twentieth day of each month next following collection from the purchaser. The city recorder may promulgate reasonable rules and regulations for the enforcement and collection of the tax, shall prescribe any necessary forms, and

may, by regulations, set other reporting and paying dates and periods. (1996 Code, § 5-903)

**5-904. Exemptions.** The provisions of this chapter shall not apply to food prepared to be served at churches, schools, senior citizen centers or nursing homes, and at boarding houses where the cost of food is included in the rental rate. The provisions of this chapter shall not apply to the sale of alcoholic beverages in any form, manner, time or place. (1996 Code, § 5-904)

**5-905. Penalties and interest for delinquency.** Taxes collected by an operator which are not remitted to the city recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a purchaser to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving food services paid by a customer to the operator in those cases where the operator fails or refuses to pay the tax payable to the city recorder. (1996 Code, § 5-905)

**5-906. Records.** It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the city recorder shall have the right to inspect at all reasonable times. (1996 Code, § 5-906)

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

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

the city recorder, and suit for recovery shall be brought against the city recorder. (1996 Code, § 5-907)

**5-908. Tax is additional tax.** The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied. (1996 Code, § 5-908)

**5-909. Rules and regulations.** The city recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws, for the enforcement of the provisions of this chapter and the collection of revenues hereunder. Further the city recorder shall design, prepare, print and make available to all persons who are subject to this chapter, all necessary forms for filing returns and instructions to ensure full compliance with the provisions of this chapter. (1996 Code, § 5-909)

**5-910. Use of proceeds.** Tax proceeds generated by the provisions of this chapter shall be used as determined by the Mayor and Board of Commissioners of the City of Pigeon Forge consistent with state law. (1996 Code, § 5-910)

**TITLE 6****LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Auxiliary police force.

**6-101. Policemen subject to chief's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1979 Code, § 1-401)

**6-102. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1979 Code, § 1-402)

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the city manager shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1979 Code, § 1-403)

**6-104. When policemen to make arrests.**<sup>1</sup> Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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<sup>1</sup>Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1979 Code, § 1-404)

**6-105. Policemen may require assistance.** It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1979 Code, § 1-405)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender does not post the required bond, he shall be confined. (1979 Code, § 1-406)

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

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1979 Code, § 1-407)

**6-108. Auxiliary police force.** There is hereby created an auxiliary police force of the City of Pigeon Forge whose function is to supplement the Pigeon Forge police force:

- (1) The auxiliary police is a volunteer organization, the members of which have enrolled as a civic service to assist the regular police force of the Pigeon Forge Police Department. All auxiliary officers will be sworn in by the city recorder. All bonding and liability insurance shall be paid by the city. When performing their duties as auxiliary police and operating under the direction of the Pigeon Forge Police Department, auxiliary police shall have the full rights and authority, and be subject to such regulations, as established by state and local laws for regular police officers.
- (2) The chief of police shall have cognizance and control of the organization, government, administration, operation and discipline of the auxiliary police.
- (3) The numerical membership of the auxiliary police shall be designated by the city manager.

(4) No exception to any of the rules and regulations of the auxiliary police shall be made without express approval of the chief of police.

(5) Applicants for the auxiliary police must possess the following qualifications of membership:

(a) Must be at least 21 years of age and not have attained their 56th birthday.

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

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

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

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

(f) Must have the approval of a majority of the membership of the auxiliary police.

(g) Must have the approval of the chief of police and the city manager.

(6) The order of the designation of rank in the auxiliary police shall be:

(a) sergeant

(b) patrolman

(7) Seniority of the members of the auxiliary police shall be determined in the following order:

(a) by rank

(b) by length of service in the auxiliary police

(c) by length of time served in rank

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

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

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

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

(c) Must hold the minimum rating of auxiliary patrolman.

(d) Must have the approval of the chief of police.

(10) The sergeant of the auxiliary police is charged with and responsible for the proper training, discipline, efficiency and administration of the auxiliary police and the police department, and shall be responsible for the proper performance of any duties and/or details assigned to the auxiliary police by the chief of police. He shall furnish the chief of police with a current classified

roster of the auxiliary personnel, and, when applicable, shall also furnish a list of applicants for membership, and nominees for office. He shall call a regular meeting of the auxiliary police at least once a month and shall preside over the same. He shall delegate authority to the next ranking officer present to act as commander in the latter's absence.

(11) The sergeant of the auxiliary police shall act with the advice and approval of the chief of police, and will exercise such authority and supervision over the functions of the auxiliary police as the chief of police may assign to him.

(12) A patrolman of the auxiliary police shall be appointed by the auxiliary sergeant and approved by the chief of police and city manager. He shall possess the following qualifications:

- (a) Be qualified to carry firearms.
- (b) Have sufficient training and knowledge to enable him to discharge his police duties.

(13) All auxiliary police shall be governed by such rules and regulations of the Pigeon Forge Police Department as, in the opinion of the chief of police are applicable to them.

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

(15) All regular police officers are senior to auxiliary police officers, regardless of rank.

(16) Members of the auxiliary police shall properly perform such duties as are assigned to them by their superior officers.

(17) Upon reporting for duty, auxiliary police shall be assigned to their duties by the chief of police or ranking regular officer at his discretion.

(18) Auxiliary police shall at all times, while on duty, wear the designated uniform and equipment of that organization, unless specifically assigned by the chief of police or other regular rated officer of the police department to do otherwise.

(19) Auxiliary police members shall not engage in any special duty, plainclothes duty, or group duty, unless the same shall have been authorized by the chief of police. Special duty shall include but not be limited to working ball games and parades.

(20) Auxiliary police may be assigned to patrol units with regular police officers. Auxiliary police will assist only at the specific direction of the regular police officer.

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

- (a) Minimum of six months service with the auxiliary police.
- (b) Or, minimum of 100 hours of auxiliary police duty.
- (c) Passing score on the regular police pistol course.

(d) Approval of the chief of police, provided however, that should an auxiliary police officer be able to produce evidence to the satisfaction of the chief of police and city manager that he has met the above qualifications within the last two years, he is therefore qualified to carry firearms.

(22) Any complaints or charges against any auxiliary police member shall be investigated by the auxiliary commander, who shall submit a written report to the chief of police with recommendations as to final disposition.

(23) The chief of police may discharge a member of the auxiliary police, either with or without charges being filed, by notice in writing to such member after investigation.

(24) Continuance of membership depends upon the obedience to orders, satisfactory performance of duty, good behavior and the willingness by members to perform a minimum of 16 hours of duty each month, unless sick or otherwise excused by the chief of police. (1979 Code, § 1-408)

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS**<sup>1</sup>

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be and include the business district as defined in the city's zoning ordinance. (1979 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

**CHAPTER 2**

**FIRE CODE<sup>1</sup>**

**SECTION**

7-201. Fire code adopted.

7-201.1. Modifications.

7-202. Enforcement.

7-203. Storage of explosives, flammable liquids, cryogenic fluids, etc.

7-204. Variances.

7-205. Violations.

7-206. Penalties.

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through, 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, The 2015 edition of the International Fire Code,<sup>2</sup> published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, (1) copy of the International Fire Code is adopted and incorporated and has been filed with the city recorder and is available for public use and inspection. Said International Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits of the city. (1979 Code, § 7-201, as amended by Ord. #487, April 1995, modified, as amended by Ord. #644, Dec. 2000, replaced by Ord. #879, Nov. 2008, and amended by Ord. #1021, July 2016)

**7-201.1. Modifications.** The text of the 2015 International Fire Code shall be amended in the following manner:

Modify 101.1: The phrase "[NAME OF JURISDICTION]" shall be changed to "the City of Pigeon Forge" in this and all other instances in this code.

Modify 105.1 Delete in its entirety and replace with the following:  
Permits shall be required in accordance with Federal, State and local laws and Ordinance

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<sup>1</sup>Municipal code reference  
Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478.

Add 503.3.1 Fire lanes shall be maintained by the property owner or owner's designee. (as added by Ord. #1021, July 2016)

**7-202. Enforcement.** The International Fire Code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1979 Code, § 7-202, as replaced by Ord. #879, Nov. 2008)

**7-203. Storage of explosives, flammable liquids, cryogenic fluids, etc.** That the geographic limits referred to in certain sections of the 2015 International Fire Code are hereby established as follows:

Section 5504.3 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Jurisdiction to specify.

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Jurisdiction to specify.

Section 5706.2.4.4. (geographic limits In which the storage of Class I and Class II liquids in above ground storage tanks is prohibited): Jurisdiction to specify.

Section 6104.2. (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas: Jurisdiction to specify. (1979 Code, § 7-203, as replaced by Ord. #879, Nov. 2008, and amended by Ord. #1021, July 2016)

**7-204. Variances.** The chief of the fire department may recommend to the board of zoning and appeals, variances from the provisions of the International Fire Code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of zoning and appeals. (1979 Code, § 7-204, as replaced by Ord. #879, Nov. 2008)

**7-205. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter and/or International Fire Code hereby adopted, or fail to comply herewith, or violate or fail to comply with any order made hereunder; or build in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate of permit issued hereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1979 Code, § 7-205, as replaced by Ord. #879, Nov. 2008)

**7-206. Penalties.** (1) Any person violating any of the provisions of this chapter, or the conditions of any permit issued hereunder, shall be served by the fire official with a summons, citation or written notice stating the nature of the violation, and providing up to thirty (30) working days' time limit for the satisfactory correction thereof.

(2) The offender shall, within the time period stated in such notice, permanently cease all violations as prescribed by the fire official. Any permit issued hereunder shall be void until such time as the violation is corrected.

(3) Any person who shall continue any violation beyond the time provided for in §7-207(1), shall be served by the fire code official with a summons stating the nature of the violation. Such violation shall be punishable by a civil penalty not to exceed fifty dollars (\$50.00).

(4) As to any violation deemed by the fire code official to be emergency in nature, or which poses an immediate danger to life or property, involves fire, or necessitates removal or abatement by the fire department, the fire code official may issue a summons stating the nature of the violation and requiring the appearance of the violator in city court. In such cases, the fire code official shall not be required to give any prior notice of violation or opportunity to correct the condition. Any such violation shall be punishable by a civil penalty not to exceed fifty dollars (\$50.00).

(5) Any person violating any of the provisions of this chapter shall become liable to the city for expense, loss or damage occasioned by the city personnel or equipment by reason of such violation. (1979 Code, § 7-206, as replaced by Ord. #879, Nov. 2008)

### CHAPTER 3

### VOLUNTEER FIRE DEPARTMENT<sup>1</sup>

#### SECTION

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

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the board of commissioners of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the city manager and such number of physically fit subordinate officers and firemen as the chief shall appoint. (1979 Code, § 7-301, as replaced by Ord. #879, Nov. 2008)

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#### <sup>1</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

##### Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshal: § 6-21-704

##### Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

#### Municipal code reference

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

**7-302. Objectives.** The fire department shall have as its objectives:

1. To prevent uncontrollable fires from starting.
2. To prevent the loss of life and property because of fires.
3. To confine fires to their places of origin.
4. To extinguish uncontrollable fires.
5. To prevent loss of life from asphyxiation or drowning.
6. To perform such rescue work as its equipment and/or the training of its personnel makes practical.
7. To provide emergency medical care at the highest level that the equipment and training of the personnel makes practical.
8. To provide code enforcement as directed by the city within adopted codes and ordinances.
9. To serve as the emergency management agency of the city.
10. To protect the health and safety of the citizen from the transportation, storage or manufacture of hazardous materials to the extent possible.
11. To work with the water department to insure that adequate water supplies for fire protection are available.
12. To provide public fire education materials and information to the citizens in order that they may protect themselves from harm. (1979 Code, § 7-302, as replaced by Ord. #879, Nov. 2008)

**7-303. Organization, rules, and regulations.** The chief of the fire department, subject to the approval of the city manager, shall be set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1979 Code, § 7-303)

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matter to the city manager once each month, and at the end of the year, a detailed annual report shall be made. The city manager shall submit a report on those matters to the board of commissioners as the board of commissioners requires. (1979 Code, § 7-304, as replaced by Ord. #879, Nov. 2008)

**7-305. Tenure and compensation of members.** The chief and all subordinate officers and personnel shall hold office so long as their conduct and efficiency are satisfactory to the city manager. However, the city manager may delegate to the chief, authority to reduce in rank, suspend, or discharge any subordinate member of the fire department.

All volunteer personnel of the fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (1979 Code, § 7-305, as replaced by Ord. #879, Nov. 2008)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the firefighters and for the maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of commissioners. Each firefighter and/or officer shall receive no less than forty (40) hours of inservice firefighting training annually, after initial training. Consisting of no less than sixteen (16) hours of basic firefighting training during the first ninety (90) days of his membership in the fire department. Career firefighters shall be trained in accordance with the standards of the Tennessee Commission on Firefighter Standards and Education. (1979 Code, § 7-306, as replaced by Ord. #879, Nov. 2008)

**7-307. Chief to be assistant to state officer.** Pursuant to the requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all duties and obligations imposed by Tennessee Code Annotated, title 58, chapter 102, and shall be subject to the direction of the fire prevention commissioner in the execution of the provisions thereof. (1979 Code, § 7-308, as replaced by Ord. #879, Nov. 2008)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Restrictions on fire service outside city limits.

**7-401. Restrictions on fire service outside city limits.** No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the city commission has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:

1. Tennessee Code Annotated, § 12-9-101, et seq.
2. Tennessee Code Annotated, § 6-54-601.
3. Tennessee Code Annotated, § 58-2-111(c)
4. Tennessee Code Annotated, § 58-1-1119(c) (1979 Code, § 7-307, as replaced by Ord. #879, Nov. 2008)

**CHAPTER 5****FIREWORKS****SECTION**

7-501. Regulated.

**7-501. Regulated.** It shall be unlawful for any person to possess, store, offer for sale, sell, or use or explode any fireworks, as defined in the fire code, without a permit from the fire department. (1979 Code, § 10-222)

**TITLE 8**

**ALCOHOLIC BEVERAGES<sup>1</sup>**

**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1**

**INTOXICATING LIQUORS**

**SECTION**

- 8-101. Prohibited generally.
- 8-102. Construction and/or operation of alcohol/whiskey distilleries restricted.
- 8-103. Municipal inspection fee.

**8-101. Prohibited generally.** Except as authorized by applicable laws<sup>2</sup> and/or ordinances it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within the city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1979 Code, § 2-101)

**8-102. Construction and/or operation of alcohol/whiskey distilleries restricted.** No person, company or legal entity shall construct or operate any licensed manufacturing facility referred to in Tennessee Code Annotated, § 57-3-201 within four hundred feet (400') of the state right-of-way of US Highway 441 within the corporate limits of the city. Notwithstanding the foregoing, this section shall not affect any licensed manufacturer in operation and open to the public before the effective date of this section. (as added by Ord. #1016, April 2016)

**8-103. Municipal inspection fee.** There is hereby created pursuant to Tennessee Code Annotated, § 57-3-501 an inspection fee in the amount of eight percent (8%) upon the wholesale price of alcoholic beverages supplied by a

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference

Tennessee Code Annotated, title 39, chapter 17.

wholesaler to retail locations and retail food store wine licensees in the municipality. There is further hereby created an inspection fee of fifteen percent (15%) upon the wholesale price of high alcohol content beer for such products which are manufactured on the manufacturer's premise and sold at the manufacturer's retail store within the corporate limits of the city. (as added by Ord. #1017, June 2016)

## CHAPTER 2

### BEER<sup>1</sup>

#### SECTION

- 8-201. Definitions.
- 8-202. Authority to grant and revoke beer permits.
- 8-203. Issuance of permits by beer board.
- 8-204. Permits for the manufacture of beer.
- 8-205. Permits for the sale of beer.
- 8-206. Permit required for engaging in beer business.
- 8-207. Qualifications for permit.
- 8-208. Requirements to maintain any permit issued under this section.
- 8-209. Failure to maintain requirements.
- 8-210. On-premises consumption permits defined.
- 8-211. Classification of existing permits.
- 8-212. Restaurant classification requirement and restrictions.
- 8-213. Hotel/motel classification requirements and restrictions.
- 8-214. Caterer classification requirements and restrictions.
- 8-215. Special venue classification and permit.
- 8-216. Events center permit.
- 8-217. Existing venues holding a specifically named on-premises consumption permit.
- 8-218. Outdoor venue approval.
- 8-219. Off-premises consumption sales.
- 8-220. Package retail classification requirements and restrictions.
- 8-221. Growler/crowler classification requirements and restrictions.
- 8-222. Personal conduct of individuals.
- 8-223. Application for permit authorizing the sale of beer.
- 8-224. Privilege tax.
- 8-225. Permits not transferrable--cessation of business--relocation--name change--change of ownership.
- 8-226. Permit forfeited if permittee is convicted of certain offenses.
- 8-227. Suspension or revocation.
- 8-228. Procedures.
- 8-229. Civil penalty in lieu of suspension.
- 8-230. Loss of clerk's certification for sale to minor.
- 8-231. Severability/conflict.

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<sup>1</sup>State law reference

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

**8-201. Definitions.** (1) "Applicant" shall mean the person on whose behalf an application for beer permit is filed.

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

(3) "Beer" means beer, ale or other malt beverages, or any other beverages having an alcoholic content as defined in Tennessee Code Annotated, § 57-5-101(b), and any future amendments thereto.

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

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

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

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

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

(9) "Crowler" shall mean a large aluminum can used for packaging craft beer, holding approximately two (2) U.S. pints of beer, which are filled for off-premises consumption, which are used at times as a more sustainable option than growlers.

(10) "Entity" shall mean a firm, partnership, limited liability company, corporation, joint stock company, syndicate, association or any other legal entity whatsoever.

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

(12) "Hotel/motel" shall mean any establishment which meets any definition found in Tennessee Code Annotated, § 57-4-102(21).

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

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

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

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

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

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

(15) "Outdoor venue" shall mean an outdoor location which does not meet the definition of premises as defined in § 8-201(18). It may or may not be

on a separate non-adjacent parcel. It must be appropriately zoned for commercial activity.

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

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

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

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

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

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

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

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

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

(25) "TABC" shall mean the Tennessee Alcoholic Beverage Commission.

(26) The pronouns he, him and his shall refer to persons of the female, as well as the male, gender, as applicable. (1979 Code, § 2-201, as replaced by Ord. #1080, Sept. 2019)

**8-202. Authority to grant and revoke beer permits.** The city manager shall recommend, and the city commission shall designate and appoint seven (7) persons, one (1) of whom is a member of the city commission, to act as a beer board for the purpose of granting, refusing, rescinding, suspending or revoking permits for the sale, storage and warehousing of beer, for off-premises

consumption, and on-premises consumption as set forth in this chapter, within the corporate limits of Pigeon Forge, Tennessee.

Each new member of the board shall serve an initial three (3) year term. In order to ensure appropriate continuity, those board members who are serving on the date this chapter is passed and wish to continue their service shall be assigned an initial term of either one (1), two (2) , or three (3) years. Two (2) of the seven (7) members shall be assigned three (3) year terms; three (3) shall be assigned two (2) year terms; and two (2) shall be assigned a one (1) year term. In the event that members cannot agree among themselves regarding the term of their continued service, the length of the initial terms shall be determined by drawing lots.

Members of the beer board may serve two (2) consecutive, three (3) year terms, but must then rotate off of the board for no less than one (1) year before being eligible for further service. For members serving on the board as of the date this chapter is passed, they shall be entitled to serve the initial term assigned to them and a second three (3) year term before rotating off of the board. (1979 Code, § 2-202, as replaced by Ord. #1080, Sept. 2019)

**8-203. Issuance of permits by beer board.** The beer board is vested with full and complete authority to issue permits, which permits shall be issued only for locations which are within a commercially zoned area as indicated on the then current and applicable zoning map at the time the application is made, for the sale, storage, and warehousing of beer for on-premises consumption and off-premises consumption. (1979 Code, § 2-203, as replaced by Ord. #707, July 2003, and amended by Ord. #718, Oct. 2003, Ord. #932, Aug. 2011, Ord. #933, Aug. 2011, Ord. #958, May 2013, Ord. #966, Aug. 2013, 975, Dec. 2013, and replaced by Ord. #1080, Sept. 2019)

**8-204. Permits for the manufacture of beer.** Permits for the manufacture of craft beer shall be issued in accordance with the general requirements of this chapter. A manufacturer of beer can further apply for permits for retail sale for on-premises and/or off-premises consumption. Documentation by the manufacturer of the number of barrels produced each calendar year may be required. (1979 Code, § 2-204, as amended by Ord. #1051, Feb. 2018, and replaced by Ord. #1080, Sept. 2019)

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

(1) A retailer's "off-premises" permit, which shall be issued for the sale of beer only for consumption off the business premises in accordance with the provisions of this chapter; and

(2) A retailer's "on-premises" permit, which shall be issued to any business engaged in the sale of beer where the beer is to be consumed by the

purchaser or his guests upon the premises of the seller. A retailer's "on-premises" permit may be issued only for use in connection with the establishments defined in § 8-210 through § 8-218 below.

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

If the character of the establishment changes from the classification under which a permit was originally issued, the permittee will be required to obtain a new permit to conform to the type of establishment being operated by the permittee. (1979 Code, § 2-205, as replaced by Ord. #1080, Sept. 2019)

**8-206. Permit required for engaging in beer business.** It shall be unlawful for any person or entity to sell, store for sale, distribute for sale or manufacture beer without first making application to and obtaining a permit from the beer board pursuant to Tennessee Code Annotated, § 57-5-103. The application shall be made on such forms as the board shall prescribe and/or furnish, and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of cash, cashier's check, or company check made payable to the city. Each person signing an application must be a person of good moral character and certify that he has read, is familiar with, and fully understands the provisions of this chapter. (1979 Code, § 2-206, as replaced by Ord. #1080, Sept. 2019)

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

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

(2) The applicant (including all of those with a five percent (5%) or more ownership interest in the entity for whom a permit is being sought) shall not have been convicted of any violation of law regarding the prohibition, sale, possession, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. Additionally, all persons employed or to be employed by the applicant in the distribution or sale of such beverages must meet all TABC requirements for such distribution or sale, and it is the applicant's responsibility to ensure that all persons employed by them for these purposes meet the requirements.

(3) The applicant (including all of those with a five percent (5%) or more ownership interest in the entity for whom a permit is being sought) shall not have had a license for the sale of alcoholic beverages of any kind or nature revoked by any city, county, or state.

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

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

(6) The applicant shall not make a false statement in his/her application for any beer permit. Such a statement shall be cause for denial of an application or for immediate revocation of any permit issued, and shall disqualify the applicant from receiving a permit thereafter for a period of ten (10) years. (1979 Code, § 2-207, as replaced by Ord. #1080, Sept. 2019)

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

(1) A permit holder shall not:

(a) Operate a disorderly place.

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

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

(d) Permit any person under the age of twenty-one (21) to loiter about the premises, and the burden of ascertaining the age of customers under the age of twenty-one (21) shall be upon the owner or operator of such place of business.

(2) Hours and days of operations. It shall be unlawful to offer for sale or sell beer within the corporate limits of the city at any time and on any day when the sale of liquor, wine, and mixed drinks are prohibited by the then prevailing rules of the TABC, i.e., at such times as the TABC prohibits the sale of liquor by the drink for on-premises consumption.

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

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

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

(6) Inspection of beer businesses. At any and all times, officials from the city shall have the right to inspect the entire premises and property where

or upon or in which the beverages regulated by this chapter are sold, stored, transported or otherwise dispensed, distributed or handled, whether at retail or wholesale, in the city to determine whether permittee is in compliance with the provisions of this chapter and other applicable laws.

(7) Continually operate the business. Any person who holds a permit shall continuously operate the business, and if any permit holder either voluntarily or involuntarily fails or refuses to carry on the business for a period of sixty (60) days, or does not meet the established minimums of non-alcoholic sales for two (2) consecutive months or for any three (3) months in a calendar year, there shall be a rebuttable presumption that their permit should be revoked.

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

(9) Maintain property in compliance with all state, county, and city regulatory requirements. The premises upon which the permit is granted shall at all times be maintained in compliance with city zoning ordinances, and with all fire, health, safety and building codes of the city, county and State of Tennessee.

(10) Inventory requirements for non-restaurant/dining establishments. Unless an applicant seeks an on-premises permit and qualifies as a restaurant/eating establishment or qualifies for a special event permit, the permittee must maintain fifty thousand (\$50,000.00) dollars in inventory (not limited to alcoholic beverages), measured by wholesale invoices. These invoices must be made available to the city recorder at all times during the permit holder's customary hours of operation upon five (5) days written notice. (1979 Code, § 2-208, as amended by Ord. #707, July 2003, replaced by Ord. #954, Dec. 2012, and Ord. #966, Aug. 2013, amended by Ord. #975, Dec. 2013, and replaced by Ord. #1080, Sept. 2019)

**8-209. Failure to maintain requirements.** Failure on the part of any permittee to observe the requirements of this chapter after issuance of a permit shall constitute grounds for suspension or revocation of the permit. (1979 Code, § 2-209, as replaced by Ord. #1080, Sept. 2019)

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

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

(6) Events center.

Definitions for each of the classes are established in the section dedicated to the requirements and restrictions of each class. (1979 Code, § 2-210, as replaced by Ord. #1080, Sept. 2019)

**8-211. Classification of existing permits.** All beer permits now issued and outstanding will be classified and placed in its appropriate category upon renewal, and the holders of said beer permits shall be so notified. Certain current permit holders will be required to obtain additional permits upon renewal to comply with the provisions of this chapter, and shall be notified of same at the time they renew their current permit. (1979 Code, § 2-211, as replaced by Ord. #1080, Sept. 2019)

**8-212. Restaurant classification requirement and restrictions.**

(1) An establishment must meet the restaurant requirements of Tennessee Code Annotated, § 57-4-102(30)(A).

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

(3) An establishment shall be eligible for a permit as a restaurant only if no more than twenty-five percent (25%) of the gross revenue of the restaurant is generated from the serving of beer. A permittee must provide the city recorder with a written report on a monthly basis (by the 20th day of the following month) to demonstrate that the permittee has met this percentage limitation. The city may use the permittee's failure to submit said report as conclusive evidence that the percentage was exceeded for any month that a report is not submitted.

(4) Have seventy-five (75) seats in the interior of the building under a permanent roof and enclosed on all sides. Seats in an open-air or patio area, as permitted by subsection (5) below, shall not count toward meeting the requirement of seventy-five (75) interior seats required for this category of permit.

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

sound, when the emergency exit is opened. Additional such exits may be required depending on the size of the fenced in area, as specified in the Pigeon Forge Fire Protection Ordinance.

(6) Within thirty (30) minutes from the time that sale of beer has ceased as required by § 8-208(2), all containers, glasses or other vessels of any type which have been used for serving and consumption of beer shall be removed by permittee from the area or areas where the beer had been consumed and shall be placed in areas not for access by patrons of the establishment. (1979 Code, § 2-212, as replaced by Ord. #1080, Sept. 2019)

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

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

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

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

(4) Beer sold from a "convenience store" located within the confines of the sight and oversight of a paid employee may only be sold for consumption on the premises and to a bona fide guest of the hotel. If a hotel wishes to sell beer from a "convenience store," the hotel/motel must have a restaurant onsite, and the beer sales from the convenience store shall be considered a part of the restaurant sales and reported to the city.

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

(6) In the case of locked in-room units, a key separate from that used to enter the room shall be supplied and no person under the age of twenty-one (21) shall be issued or supplied with such a key. (as added by Ord. #966, Aug. 2013, and replaced by replaced by Ord. #1080, Sept. 2019)

**8-214. Caterer classification requirements and restrictions.**

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

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

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

(4) No caterer may provide only alcohol without meals present and available for consumption at any catered event.

(5) All city beer permit holders shall be authorized to sell beer at a catered event within the city without obtaining an additional permit at a location that shall have a capacity for seventy-five (75) seats in the interior of a building affixed to a permanent foundation under a permanent roof and enclosed on all sides along with any adjoining and contiguous patio. Said catering shall take place only at a location which is the proper distance from a church or school and in a zone permitting such sales, takes place during the same time restrictions set forth for beer sales citywide, and meets the percentage of food sales required, all as set forth elsewhere in this chapter. (as added by Ord. #1080, Sept. 2019)

**8-215. Special venue classification and permit.** The special venue classification is a conditional permit issued by the beer board, which has requirements and restrictions based on the unique issues created by the location and type of use of the applicant.

A special venue is defined as:

(1) A single-premises in a permanent location affixed to the earth whose area is defined by a foundation, permanent fencing, and permanent surfacing. Permanent surfacing does not include parking lots.

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

(3) The serving of food is a requirement, and the venue must have seating for no less than seventy-five (75) people.

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

(5) The premises is defined as eligible to receive a permit to serve alcoholic beverages under Tennessee Code Annotated, § 57-4-101, or is property currently owned in whole or in part by the city, and it is deemed appropriate that it have the right to sell beer.

(6) No more than twenty-five percent (25%) of the venue's gross revenue may be derived from the sale of beer.

In order to obtain a special venue permit, the following process must be followed:

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

(b) The beer board will meet to consider the application and cause a finding to be made as to whether the applicant is entitled such a permit. They may at that time also include such conditions, requirements

and restrictions as they deem necessary for the safe and prudent sale of beer in the location identified as a "special venue." (as added by Ord. #1080, Sept. 2019)

**8-216. Events center permit.** To qualify for an on-premises permit to be utilized at the city's LeConte Center, an applicant must meet all other provisions, regulations and requirements in this chapter for obtaining an on-premises permit except that the applicant shall not be required to be a restaurant or eating establishment. Said applicant must also be either the city's duly contracted concessionaire for the LeConte Center or an approved caterer for the center.

Beer shall only be sold and consumed within the interior of the center or on the patio, and during hours when a center function is in operation, but at no time outside the days and hours of operation defined for the city as a whole contained in this chapter. The sales must also take place in conjunction with the sale of other concessions and/or other food by the duly qualified concessionaire and/or caterer. An events center permit shall only be valid for so long as a concessionaire is under contract with the city or as to caterers for the center, so long as the caterer is on the approved list for the LeConte Center. A permittee whose contract ends or a caterer who is removed from the approved list shall surrender their permit to the city recorder within fifteen (15) days from the end of their contract term or removal from the approved vendor list but their permit shall be revoked as of the happening of the event described regardless of whether the permit is surrendered. Failure to submit the permit to the city recorder shall prevent the holder from being eligible for a beer permit for a period of six (6) months from the date that the permit terminated. (as added by Ord. #1080, Sept. 2019)

**8-217. Existing venues holding a specifically named on-premises consumption permit.** Any venue holding an on-premises consumption permit at the time of the adoption of this chapter, but not fitting into one (1) of the other permit classes, shall receive a special venue permit with such conditions that were imposed under the previously codified chapter as of the date of the adoption of this chapter. (as added by Ord. #1080, Sept. 2019)

**8-218. Outdoor venue approval.** Beer may be sold on a temporary basis at an outdoor venue by businesses holding an on-premises permit, or on a one-time basis for other special events by those not holding permits under the following conditions:

- (1) The location meets the TABC's requirements for alcoholic service.
- (2) An application has been submitted to the city recorder for the location and dates where the beer will be sold or provided.
- (3) The review fee of one hundred dollars (\$100.00) per application has been paid.

(4) The event has been approved by the city's planning commission, pursuant to the policies adopted by said commission and in accordance with this chapter and applicable law.

(5) A minimum of seventy-five (75) seats shall be required at the venue, food must be made available for the duration of the time that beer is available, and no more than twenty-five percent (25%) of the gross event revenue can be generated from the sale of beer.

(6) Nothing in this provision shall permit the sale of beer on any city-owned property.

(7) The city recorder shall have the authority to approve these types of permits (and no other) administratively for those already holding on-premises permits as they have already been vetted by the beer board, but the beer board must review any outdoor venue permit request for those not already holding an on-premises permit. As to requests from those holding on-premises permits, if the city recorder has any doubt as to whether the outdoor venue permit should be issued under the circumstances, that request shall be submitted to the beer board for consideration. (as added by Ord. #1080, Sept. 2019)

**8-219. Off-premises consumption sales.** The following classes of permits for off-premises consumption are established.

(1) Package retail sales.

(2) Growler sales. (as added by Ord. #1080, Sept. 2019)

**8-220. Package retail classification requirements and restrictions.** (1) The monthly off-premises package retail beer sales of any establishment that holds an off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment.

(2) The permittee shall not allow the sale of beer by way of a drive-in and/or a drive through window. (as added by Ord. #1080, Sept. 2019)

**8-221. Growler/crowler classification requirements and restrictions.** (1) A growler/crowler permit may be held by the holder of any other on-premises or off-premises permit. A growler/crowler permit may not be the only permit held by a permittee.

(2) Holders of the growler/crowler permit may fill or refill growlers and fill crowlers on demand with beer for off-premises consumption provided they affix the label required by this section to the growler/crowler.

(3) Each growler must be securely sealed and removed from the premises in its original sealed condition. Each growler shall bear a twist-type closure, cork, stopper, or plug, and each crowler must be machine sealed. At the time of the sale and/or refilling, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extend over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall

bear the name and address of the business filling the growler/crowler. The containers or bottles shall be labeled as a craft beer, contain the name of the beer, and bear the name, address and telephone number of the business selling the beer. Any known allergens shall also be included on any label.

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

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

(6) Sales of growlers/crowlers shall be limited to the legal hours during which the licensee may sell such alcoholic beverages and must be removed from the premises before the applicable closing time. (as added by Ord. #1080, Sept. 2019)

**8-222. Personal conduct of individuals.** (1) Unlawful for underage person to misrepresent age. It shall be unlawful and a misdemeanor for any person under twenty-one (21) years of age to knowingly misrepresent his age in order to obtain, purchase or attempt to obtain beer within the corporate limits of the city, or to remain in a location where beer is legally being sold under the provisions of this chapter where minors are not allowed.

(2) Unlawful for underage person to possess beer. It shall be unlawful and a misdemeanor for any person under twenty-one (21) years of age to possess beer for any purpose except in the course and scope of his employment. Any person found guilty of a violation of these provisions by the city court shall be subject to a fifty (\$50.00) dollar fine, and within five (5) days of the conviction, the court shall prepare and send to the Tennessee Department of Safety an order denying driving privileges to the person convicted. Any person charged with, but not convicted of, a violation of this provision is entitled to have the records thereof destroyed six (6) months from the date of the charge at no cost, upon proper motion by the accused to the court where the violation was heard.

(3) Public consumption of beer prohibited. None of the beverages regulated by this chapter shall be consumed on any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school, nor upon any park or public grounds nor upon any vacant lot within two hundred feet (200') of any public street, highway, avenue, or other public place. Despite the provisions of this section, possession and consumption of beer is permitted during certain city-sponsored or co-sponsored special events within the physical parameters of the special event zone during the time of the special event if otherwise provided by resolution of the city and/or planning commission. (as added by Ord. #1080, Sept. 2019)

**8-223. Application for permit authorizing the sale of beer.**

(1) Before any permit is issued by the beer board, the applicant shall

make payment of a non-refundable application fee in the sum of two hundred fifty dollars (\$250.00) to the city and file with the board a written application, under oath, containing the following information:

(a) The name of the applicant.

(b) The residential and business addresses of the applicant, and a telephone number where the applicant can be reached both during and after business hours. If the person applying for the permit is acting as agent for another person or entity, the name, address, and telephone number of such other person or entity shall be listed.

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

(d) A valid copy of the applicant's Tennessee Department of Revenue sales and use tax certificate of registration, along with a statement that all city and county property taxes, license fees or other charges by the city, Sevier County, and State of Tennessee are current and that those taxes and fees which come due in the future to them shall be paid on or before the due date.

(e) The name, address, telephone number and copy of the driver's license or other official state-issued identification for all those having at least a five percent (5%) ownership interest in the entity for whom applicant is applying.

(f) A document reflecting that the Tennessee Bureau of Investigations has conducted a background investigation for all those having at least a five percent (5%) ownership interest in the entity for whom applicant is applying, and which further evidences that all meet the requirements of this chapter to hold a permit. This requirement shall be for new permit applicants only. Those who are renewing permits, even if they are required to obtain one (1) or more additional permits for their present location(s) as a result of the adoption of this chapter, are exempted.

(g) A site plan of the business premises certified by a registered land surveyor or engineer licensed to practice in the State of Tennessee.

(h) A statement that the applicant and entity for which a permit is sought meet the qualifications for said permit and that applicant and the entity for which the permit is sought will at all times in the future comply with the requirements of this chapter.

(i) A statement that the applicant's business premises is not located within one hundred fifty feet (150') of any church or school, measured from the closest point of each of the respective buildings.

(j) A statement providing the zone in which the property is located. Only those with property located in zones C-1, C-2, C-3, C-4, C-5, C-6 or C-7 are eligible for a permit under this chapter.

(k) A statement that the applicant shall not advertise the sale of beer off the premises by any means, including by billboard, television, exterior signage, radio or other communication. Only two (2) interior signs visible from the exterior of the business premises which advertise the availability of beer shall be allowed, and such signs shall not exceed two feet by two feet (2'x2') each. Only one (1) outdoor sign, advertisement, or display that advertises beer may be erected or maintained on the property on which a retail beer establishment is located, but it cannot have brand names, pictures, numbers, prices or diagrams relating to beer located thereon.

(l) A statement that the premises for which a permit is sought meet all city fire safety standards relative to occupancy by the public and that the premises have been inspected by the city's fire and building inspection offices in conjunction with this application.

(m) Such other relevant information as the city may require to determine whether applicant meets the requirements for issuance of a permit. The city may also require applicant to provide relevant information from time to time after issuance of the permit to determine whether a permit holder continues to comply with the requirements of this chapter for holding a beer permit.

(2) An application shall become null and void if it is not presented to the board at a public meeting within three (3) months after the application is filed, or if another application for a permit for the same location is approved before the application is presented to the board at a public meeting. (as added by Ord. #1080, Sept. 2019)

**8-224. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person or entity engaged in the sale, distribution, storage or manufacture of beer shall remit the tax to the city on or before January 1 of each year. At the time each new permit is issued to any business subject to this tax, the permittee shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

The annual privilege tax notice of payment due shall be mailed to permittee no later than thirty (30) days prior to January 1 of each year. Notice shall be mailed to the address specified by the permittee on the permit application or any updated address provided in writing after issuance of the

permit. It is the obligation of the permittee to update its address with the city and failure to do so and/or failure to receive such notice shall be no defense to failing to pay the tax. The annual privilege tax shall be considered paid on time if paid by January 31 of each year, as the city provides a thirty (30) day grace period. If a permittee does not pay the tax by January 31 of each year, then the city shall notify the permittee in writing, either by certified mail or by hand delivery by a member of the city police department, that the privilege tax is past due. If a permittee does not pay the tax within ten (10) days after receiving notice of its delinquency, then the permit shall automatically become suspended, with a rebuttable presumption that it should be revoked upon a hearing before the beer board. Any further sales of the licensed beverage after suspension and until a hearing is held by the beer board for final determination shall be illegal and in violation of the city beer ordinance. (as added by Ord. #1080, Sept. 2019)

**8-225. Permits not transferable--cessation of business--relocation--name change--change of ownership.** (1) Except as set forth in subsections (2) and (3) below, a permittee must return a permit to sell beer to the city recorder within fifteen (15) days of termination of the business, change in ownership, relocation of the business, or change of the business name. The provisions of this section regarding change in ownership shall not apply to a permittee that is a publicly held company. If the permittee is an entity other than a publicly held company, a change in ownership shall occur, for purposes of this chapter, when control of at least a fifty percent (50%) interest, whether it be stock or otherwise, in the entity is transferred to a new owner.

Notwithstanding the failure to return a beer permit, as provided herein, a permit shall expire on the date of termination of business, change of ownership, relocation of the business, or change of the business name.

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

(3) In the event that there is a change of the business name, the owner shall be allowed to make beer sales under the existing permit until the next scheduled beer board meeting, provided that owner has filed with the beer board a completed application for a new permit. Any violation of any part or provision of the city's beer ordinance by the owner/applicant during the period the application is pending shall automatically result in the application being denied and the applicant shall not be eligible to apply for a beer permit within the city for a period of six (6) months thereafter. (as added by Ord. #1080, Sept. 2019)

**8-226. Permit forfeited if permittee is convicted of certain offenses.** Any permittee (including any person holding a five percent (5%) or more interest in the entity for which the permit is sought) who, after obtaining a permit, is convicted by any court of competent jurisdiction of violating any of the laws regarding possession, sale, manufacture, and/or transportation of intoxicating liquor or other alcoholic beverages, or of any crime involving moral turpitude, shall forfeit the permit without further action by the beer board upon entry of the conviction upon the record of the court. (as added by Ord. #1080, Sept. 2019)

**8-227. Suspension or revocation.** The beer board is vested with the full and complete power and authority to suspend, cancel, or revoke permits to sell beer upon the following grounds:

- (1) Any violation of the provisions of this chapter.
- (2) Any violation of any law of the State of Tennessee, now in existence or hereinafter adopted, regulating the sale, manufacture or distribution of beer.
- (3) Any violation of the provisions of Tennessee Code Annotated, title 57, chapter 4, regarding the consumption of alcoholic beverages on-premises, to the extent permitted by the provisions of said title 57. (as added by Ord. #1080, Sept. 2019)

**8-228. Procedure.** (1) When the beer board has reason to believe that any permittee has violated any of the provisions of this chapter or any provision of state law regarding regulating the sale, manufacture or distribution of beer, the board is authorized in its discretion to notify the permittee of the violation in writing and to give notice that the permittee must appear and show cause why the permit should not be suspended or revoked for the alleged violations. The notice to appear and show cause shall state the nature of the violation and shall be served upon the permittee either by certified mail or by a member of the city police department. The notice shall be served on or mailed to the permittee at least ten (10) days before the date scheduled for the hearing. The beer board shall, at the public hearing, allow evidence to be presented on behalf of the holder of the permit and thereafter, in its discretion, either dismiss the charges or complaint, or suspend or revoke the permit. When a permit is revoked, no new permit for the sale of beer shall be issued hereunder to the permittee, or to

any person or entity having any ownership interest in the permittee, until the expiration of one (1) year from the date the revocation becomes final. If any permittee has its beer permit revoked for a second time for the violation of the provisions of this chapter or state law, then the permittee shall not be eligible to apply for a new permit for a period of no less than (1) year, but up to three (3) years, from the date the revocation becomes final, at the discretion of the beer board. In determining the length of time that a permittee will be ineligible to apply, the beer board shall take into account permittee's history of violations, including the seriousness of the violations.

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

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

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

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

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

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

sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification or is within sixty-one (61) days of the date of hire at the time of the violation, unless the vendor's status as a certified responsible vendor has been revoked by the commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

(6) The decision of the beer board is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with Tennessee Code Annotated, § 57-5-108 via a writ of certiorari. (as added by Ord. #1080, Sept. 2019)

**8-229. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making, or permitting to be made, sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

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

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. If the penalty is not timely paid, then the revocation or suspension shall automatically become effective without further action of the beer board. (as added by Ord. #1080, Sept. 2019)

**8-230. Loss of clerk's certification for sale to minor.** If the beer board determines that a clerk of an off-premises beer permit holder, certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the Beer board shall report the name of the clerk to the TABC within fifteen (15) days of determination of the sale. The certification of the clerk, but not the clerk's right to actually sell beer, shall be deemed revoked and the clerk may not reapply for

a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #1080, Sept. 2019)

**8-231. Severability/conflict.** If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Likewise, should any provision of this chapter directly conflict with the rules then in effect by the TABC for the sale of liquor, wine and mixed drinks, the prevailing commission rules shall apply; however, this provision shall not prevent the city's ordinance from being more restrictive than what would be required by the commission. (as added by Ord. #1080, Sept. 2019)

**TITLE 9**

**BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. AUCTIONS.
6. FORTUNE TELLERS, ETC.
7. RODEOS, CARNIVALS, ETC.
8. POOLROOMS.
9. CABLE TELEVISION REGULATIONS.
10. CABLE TELEVISION.
11. ADULT-ORIENTED BUSINESS ESTABLISHMENTS.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 9-101. Distribution of handbills.
- 9-102. Pinball machines, etc.
- 9-103. Soliciting along U.S. Highway 441 (S.R. 71) or public ways.
- 9-104. Availability of lodging for posted lodging rates required.

**9-101. Distribution of handbills.** (1) It is hereby declared to be unlawful for any person, firm, or corporation to scatter or distribute on or along any public street or municipally owned parking lot or to distribute or place or cause to be distributed or placed on any motor vehicle on any public street or municipally owned parking lot in the City of Pigeon Forge any commercial literature, advertising material, commercial hand bill, or other advertising paper; provided, however, that nothing shall legally prevent an enforcing officer from attaching a violation notice on any such motor vehicle; provided further

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

that the provisions of this section shall not apply to the advertising material of religious, fraternal, or charitable organizations.

(2) Any merchant who advertises its goods, wares, or merchandise by causing such advertising material to be scattered or distributed on or along any public street or municipally owned parking lot, or placed on or fastened to a motor vehicle located in any public street or municipally owned parking lot in the city, shall be deemed equally guilty of violating the provisions of this section along with the person actually placing such literature on such motor vehicle. (1979 Code, § 5-101)

**9-102. Pinball machines, etc.** No owner, operator, manager, or person in charge of any restaurant, cafe, filling station, beer tavern, hotel, motel, drug store, or any other store, establishment, place of business, or otherwise, shall allow any person under the age of eighteen (18) years, without written permission by parents or guardian, to play or operate any game of miniature football, golf, baseball, pinball machine, and all other miniature games, whether made playable by a mechanical device or otherwise and whether the charge for playing is collected by a mechanical device or otherwise.

It shall be the exclusive duty of the owner, operator, manager or person in charge of any such place to ascertain or determine the age of any such player and ignorance of the age or misinformation relative thereto shall not excuse the owner, operator, manager or person in charge. (1979 Code, § 5-103)

**9-103. Soliciting along U. S. Highway 441 (S.R. 71) or public ways.** No person or persons, for the purpose of soliciting business from transients, shall stand, sit, walk, run, or jump on the right-of-way of U.S. Highway 441 or any other street, road, highway, alley, sidewalk or easement in the city. Examples of solicitation of business include hawking, barking, or prolonged waving to passersby, especially while wearing a mask or costume or prolonged motioning or directing of passersby into a particular business or group of business. The terms of this section shall not be applicable to participants in parades or like activities, approved by the City of Pigeon Forge, during their participation in the approved activity. Likewise, police officers who are engaged in directing traffic or a similar activity, while serving in their official capacity, are exempt.

Any individual found to be in violation of the provisions of this section shall be guilty of a misdemeanor.

In addition to other remedies available under this code, the city manager is authorized to secure a Writ of Injunction or restraining Order, from a court of competent jurisdiction, to prohibit continued violation of the provisions of this section (1979 Code, § 5-104, as amended by Ord. #538, § 1, May 1997)

**9-104. Availability of lodging for posted lodging rates required.**

1. That it shall be unlawful for any person of legal entity or any hotel, motel or other lodging facility or lodging development to fail to make available to the public lodging for the posted rate contained in on site advertising or posted lodging rates at any time all lodging at said facility is not completely occupied.

2. A violation of this section shall be punishable upon citation to the Pigeon Forge City Court by a fine not to exceed fifty dollars (\$50.00). (as added by Ord. #850, Dec. 2007)

## CHAPTER 2

### PEDDLERS, ETC.<sup>1</sup>

#### SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Administrative review by specified departments or the planning commission.
- 9-206. Appeal.
- 9-207. Permits available.
- 9-208. Issuance fee.
- 9-209. Bond.
- 9-210. Loud noises and speaking devices.
- 9-211. Use of streets and property.
- 9-212. Exhibition of permit.
- 9-213. Policemen to enforce.
- 9-214. Revocation or suspension of permit.
- 9-215. Reapplication.
- 9-216. Renewal of permit.

**9-201. Permit required.** It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1979 Code, § 5-201)

**9-202. Exemptions.** The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1979 Code, § 5-202)

**9-203. Application for permit.** Applicants for a permit under this chapter must file with the city manager a sworn written application containing the following:

- (1) Name and physical description of applicant.

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold or information to be disseminated.

(4) If acting as an employee of a particular business, the name and address of the employer along with a statement from said employer describing its relationship with the applicant.

(5) The length of the time for which the right to do business is desired.

(6) A clear, recent photograph showing the head and shoulders of the applicant, with said photograph measuring two (2) inches square.

(7) The names of at least two (2) reputable local property owners who will certify the applicant's business responsibility, or such other available evidence as will enable an investigator to properly evaluate the applicant's reputation as a responsible businessperson.

(8) A statement which lists any and all criminal offenses, including misdemeanors and violations of city ordinances, for which the applicant has been convicted; the nature of the offense; and the punishment received.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) Proof of a valid Pigeon Forge business license.

(11) At the time of filing the application, a fee of twenty-five dollars (\$25.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1979 Code, § 5-203, as amended by Ord. #544, May 1997)

**9-204. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police or his designee for investigation. The chief or his designee shall report his findings to the city manager within seventy-two (72) hours.

(2) If said investigation reveals that the applicant has a poor reputation as a businessperson or has been convicted of a criminal offense which reflects negatively on his business reputation, the city manager shall notify the applicant that the application is disapproved and no permit shall issue.

(3) If said investigation reveals that the applicant's business reputation is satisfactory, the city manager shall issue a permit upon the payment of all applicable fees and the filing of the bond required by section 9-206. The city manager shall keep a permanent record of all permits issued. (1979 Code, § 5-204, as amended by Ord. #544, May 1997)

**9-205. Administrative review by specified departments or the planning commission.** All special events shall have the approval of a special events administrative review conducted by specified departments. Approval

shall be required where any or all peddlers or sales booths are requested for a lot, tract or parcel. Peddlers operating on the same tract, lot or parcel must file a site plan for a special event review and receive approval prior to the event's occurrence. The planning commission will conduct an additional review of special event permits only when the applicants have requested use of government property which may include but is not limited to roads, parks, schools, libraries, city hall, community center, city owned parking lots or when a special event review is referred to the planning commission by the staff. The site plan shall include ingress/egress; number of booths and locations, parking areas (minimum of three parking spaces per booth), signage, setbacks from property lines and public right-of-ways, location of intersections, dates of the event(s) or peddling, names of event sponsors and property owners. The special event administrative review, and when appropriate, the planning commission, will review all site plans to determine the following:

- (1) Location of use in appropriate commercial zone.
- (2) Maintenance of setbacks from road intersections which will insure the safety of vehicular pedestrian traffic.
- (3) Location of booths to insure that the permittee's operations are at least ten feet (10') from any public right-of-way, sidewalks, or other city or state owned property.
- (4) Signage to insure size less than four (4) square feet, and the location of which does not visually impair traffic movement. No signs are permitted to be attached to utility/light poles or other public equipment.
- (5) Outside booths shall be limited to no more than one booth per one thousand (1,000) square feet of total parking area and located as close to buildings as possible so as not to block driveways.
- (6) Site plan approval may be denied for inadequate information, violation of zoning code, potential hazards to pedestrian or vehicular traffic, improper location or size of signs, or inadequate off-street access or failure to obtain a business license prior to issuance of a permit. (1979 Code, § 5-203, as amended by Ord. #544, May 1997, and replaced by Ord. #1015, May 2016)

**9-206. Appeal.** Any person aggrieved by a denial of an application for a permit by a special events administrative review shall have the right to appeal to the planning commission. (1979 Code, § 5-205, as amended by Ord. #544, May 1997, and replaced by Ord. #1015, May 2016)

**9-207. Deleted.** (as deleted by Ord. #1015, May 2016)

**9-208. Issuance fees.** There shall be a ten dollar (\$10.00) fee to issue a short term permit and a one hundred dollar (\$100.00) fee to issue an extended term permit. (1979 Code, § 5-207, as amended by Ord.#544, May 1997)

**9-209. Bond.** Every permittee shall file with the city manager a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned upon the permittee complying fully with all the provisions of the ordinances of the city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1979 Code, § 5-208, as amended by Ord. #544, May 1997)

**9-210. Loud noises and speaking devices.** No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1979 Code, § 5-209, as amended by Ord. #544, May 1997)

**9-211. Use of streets and property.** No permittee shall be permitted to operate in the public streets or use any public property or right-of-way. Permittees using private property must show written permission from the property owner at the time of application for a permit. (1979 Code, § 5-210, as amended by Ord. #544, May 1997)

**9-212. Exhibition of permit.** Permittees are required to exhibit their permits when requested to do so by either public officials or private citizens. (1979 Code, § 5-211, as amended by Ord. #544, May 1997)

**9-213. Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1979 Code, § 5-212, as amended by Ord. #544, May 1997)

**9-214. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the board of commissioners after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any criminal offense.

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

(e) Harassing the public to accept such literature. Harassment herein is defined as hawking, yelling, or forcing literature to be accepted by an individual without his/her specifically requesting it.

(f) The permittee shall violate the conditions of the permit if he/she moves from the location noted on the permit and the site plan as submitted to the planning commission.

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

(3) When reasonably necessary in the public interest the city manager may suspend a permit pending the revocation hearing. (1979 Code, § 5-213, as amended by Ord. #544, May 1997)

**9-215. Reapplication.** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (as added by Ord. #544, May 1997)

**9-216. Renewal of permit.** Permits issued under the provisions of this chapter shall be renewed upon payment pursuant to 9-208 and if the one thousand dollar (\$1,000.00) bond remains posted, provided there have been no substantiated complaints about the applicant. (as added by Ord. #544, May 1997)

## CHAPTER 3

### CHARITABLE SOLICITORS

#### SECTION

9-301. Policy of the City of Pigeon Forge pertaining to charitable and religious contributions.

9-302. Registration of charitable or religious solicitors.

**9-301. Policy of the City of Pigeon Forge pertaining to charitable and religious contributions.** The City of Pigeon Forge recognizes the constitutional right of charitable and religious organizations to solicit contributions and to distribute information within our community. It is the policy of the City of Pigeon Forge not to impede or impair said activities. However, because of the concern of the City of Pigeon Forge in protecting its citizens from unscrupulous activities or imposters, it shall be the policy of the City of Pigeon Forge that all charitable or religious solicitations be conducted as hereinafter set forth. (1979 Code, § 5-301)

**9-302. Registration of charitable or religious solicitors.** No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without first registering with the city manager the name and addresses of said organization and any individuals so soliciting on behalf of said organization. In the event any organization or person shall solicit pursuant to this provision for more than one calendar week, said organization or individuals shall register weekly with the city manager. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1979 Code, § 5-302)

## CHAPTER 4

### TAXICABS<sup>1</sup>

#### SECTION

- 9-401. Title.
- 9-402. Definitions.
- 9-403. Franchise required.
- 9-404. Requirements as to application and hearing.
- 9-405. Liability insurance required.
- 9-406. Franchise resolution.
- 9-407. Transfer of franchise.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for a driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Conduct prohibited.
- 9-412. Direct routes.
- 9-413. Passengers.
- 9-414. Parking restricted.
- 9-415. Uses prohibited.
- 9-416. Mechanical condition of taxicab.
- 9-417. Cleanliness of vehicles.
- 9-418. Inspection of vehicles.
- 9-419. Meter.
- 9-420. Nondiscrimination.
- 9-421. Revocation of franchise or permit.
- 9-422. Fees.

**9-401. Title.** This chapter shall be known as the taxicab franchise ordinance. (1979 Code, § 5-901)

**9-402. Definitions.** The purposes of this chapter, the following terms, phrases, words and their derivations, shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Pigeon Forge, Tennessee.

(2) "Commissioners" is the Board of Commissioners of the City of Pigeon Forge, Tennessee.

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

(3) "Person" means any individual, firm, co-partnership, corporation, company, association, or joint stock association; includes any trustee, receiver, assignee, or personal representative thereof.

(4) "Taxicab" means any motor vehicle operating for the transportation of passengers for hire, serving or offering to serve the public, designed and constructed to accommodate and transport not more than nine (9) adult passengers, exclusive of the driver, the operations of which are within the corporate limits of Pigeon Forge, Tennessee. (1979 Code, § 5-902)

**9-403. Franchise required.** It shall be unlawful for any person to engage in taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license. All franchises issued are non-exclusive. (1979 Code, § 5-903)

**9-404. Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise unless the applicant is of good moral character and has not been convicted of a felony within five (5) years prior to the application. Applications for taxicab franchises shall be made under oath and in writing to the city manager. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of each cab, and such other pertinent information as the city manager may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good moral character and reputation of the applicant. Within ten (10) days after the receipt of the application, the city manager shall conduct an investigation of the credentials of the applicant and make a determination if there is a public need for additional taxicab service. Thereafter, the city manager shall present the application to the board of commissioners for the recommendation to either grant or refuse a franchise to the applicant. The board of commissioners shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In determining whether or not to grant the franchise, the board of commissioners shall consider the public need for additional service, traffic congestion, parking space requirements, and safety factors with respect to the general public, both vehicular and pedestrian. All franchises awarded by the commission shall be non-exclusive to the award of any other taxicab franchises. (1979 Code, § 5-904)

**9-405. Liability insurance required.** No taxicab franchise shall be issued or continue in operation unless there is at all times in full force and effect a liability insurance policy for each vehicle authorized and not less than \$100,000.00 for injury to one person and \$300,000.00 for injuries to more than one person in any one accident, and full coverage for property damage in an amount not less than \$15,000.00. In the alternative, the operator may execute

and deliver to the board of commissioners a good and solvent corporate bond, with appropriate sureties affording the same minimal protection. No franchise shall be issued to any person until such insurance or an appropriate bond has been provided and evidence thereof filed with the board of commissioners. The insurance policy or corporate bond required by this section shall contain a provision that it shall not be cancelled except after thirty (30) days written notice by the insurance carrier to both the insured person and the city manager. (1979 Code, § 5-905)

**9-406. Franchise resolution.** The board of commissioners shall issue a franchise to operate a taxicab or taxicabs with the City of Pigeon Forge, Tennessee, upon the compliance by the applicant of all requirements set out in this chapter. Any franchise issued under the provisions of this chapter shall specify the name and address of the person to whom the franchise is granted, the date issued, service to be performed, and the number, make and model of the vehicles used as taxicabs. (1979 Code, § 5-906)

**9-407. Transfer of franchise.** No franchises issued under this chapter shall be sold, transferred, assigned, leased or otherwise disposed of in any manner. (1979 Code, § 5-907)

**9-408. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a special chauffeur's license issued by the State of Tennessee and a taxicab driver's permit issued by the city manager. (1979 Code, § 5-908)

**9-409. Qualifications for a driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following conditions:

- (1) Makes written application to the city manager;
- (2) Is at least 18 years of age and holds a state special chauffeur's license;
- (3) Undergoes an examination by a physician and is found to be of sound physique with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render the driver unfit for the safe operation of a public vehicle;
- (4) Maintains a neat and clean appearance and certifies that he is not addicted to the use of intoxicating liquor or drugs and shall not operate a vehicle under the influence of intoxicating liquors or drugs;
- (5) Produce affidavits of good moral character from two reputable citizens of the city who have known him personally and have observed his conduct for at least a reasonable length of time not less than ninety (90) days next preceding the date of his application;
- (6) Has not been convicted of a felony, convicted of driving while intoxicated or under the influence of an intoxicant within the five (5) years next

preceding the application for a driver's permit or convicted of frequent traffic offenses;

(7) Is familiar with the state and local traffic laws. (1979 Code, § 5-909)

**9-410. Revocation or suspension of driver's permit.** The board of commissioners, after a public hearing, may revoke or suspend any taxicab driver's permit for two (2) or more violations of traffic regulations, for a violation of any provision of this chapter or when the driver no longer meets the requirements and qualifications as set out in the preceding sections. (1979 Code, § 5-910)

**9-411. Conduct prohibited.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of or to drink any intoxicating beverages or to make use of any other intoxicating drugs; to use profane or obscene language or to shout or call to prospective passengers, make unnecessary use of the automobile horn, or to otherwise unreasonably disturb the peace, quiet and tranquility of the residents of this city. (1979 Code, § 5-911)

**9-412. Direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1979 Code, § 5-912)

**9-413. Passengers.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of the passenger. (1979 Code, § 5-913)

**9-414. Parking restricted.** It shall be unlawful to park any taxicab, while on duty, upon any street except in such places that have been specifically designated and marked by the city for use by taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such a manner as not to unreasonably interfere with or obstruct such other traffic and provided loading or discharging is promptly accomplished. (1979 Code, § 5-914)

**9-415. Uses prohibited.** No taxicab shall knowingly be used for or in the commission of any illegal act, business or purpose. (1979 Code, § 5-915)

**9-416. Mechanical condition of taxicab.** It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four wheel brakes, front and rear lights, horn, muffler, windshield wipers, safety tires, and a rear vision mirror all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such

doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such good condition and repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1979 Code, § 5-916)

**9-417. Cleanliness of vehicles.** All taxicabs operated in the city shall at all times be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once per day. At least once in every week taxicabs shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1979 Code, § 5-917)

**9-418. Inspection of vehicles.** All taxicabs shall be inspected at least semi-annually by the city manager or his designated agent to insure compliance with the requirements of this chapter and with respect to the mechanical condition, and cleanliness of the vehicle. (1979 Code, § 5-918)

**9-419. Meter.** All taxicabs shall be equipped with metering devices which accurately and openly display to its passengers the fare to be charged based upon time and distance. (1979 Code, § 5-919)

**9-420. Nondiscrimination.** All persons, firms, or corporations awarded franchises by the terms of this chapter and their agents, employees and assigns shall not discriminate in the provision of services relative to race, creed, color, or religious background. (1979 Code, § 5-920)

**9-421. Revocation of franchise or permit.** Any violation of the terms and provisions of this chapter by persons holding a franchise or driver's permit hereunder shall authorize the board of commissioners to revoke the franchise or the driver's permit. There should be no revocation in either instance, however, without a ten (10) day prior written notice to the person holding the franchise or the driver holding the permit and that public hearing be afforded relative to the matter. (1979 Code, § 5-921)

**9-422. Fees.** Each application for a franchise under the provision of this chapter shall be accomplished by the applicable privilege tax. Each application for a taxicab driver's permit shall be accompanied by an application fee of \$25.00. Each application for an annual renewal of the driver's permits shall be accompanied by an application fee of \$10.00. The fees charged for the driver's permits shall be used to reimburse the city for its expense and costs in performing its duties under the terms of this chapter. (1979 Code, § 5-922)

## CHAPTER 5

### AUCTIONS

#### SECTION

- 9-501. Auctions regulated and excepted.
- 9-502. Permit, application, and bond requirements.
- 9-503. Board action upon application.
- 9-504. Prohibited conduct by persons conducting auctions.
- 9-505. Permits not transferable; may be suspended, etc.
- 9-506. Permits to be displayed.

**9-501. Auctions regulated and excepted.** All public or private auctions of personal property within the City of Pigeon Forge shall be controlled and governed by the provisions of this chapter, except auctions held pursuant to the order of a court of record, or to sales of executors or administrators, bona fide sales by trustees under recorded mortgages or deeds of trust, or by the holders in accordance with law. (1979 Code, § 5-401)

**9-502. Permit, application, and bond requirements.** No person firm, or corporation, directly or indirectly, through agents or otherwise, shall conduct any auction without first having obtained a permit for conducting same, through a regularly licensed auctioneer, as hereinafter provided.

(1) Any person desiring to conduct such an auction sale shall first file a written application for a permit therefor with the board of commissioners, stating:

(a) The name, address, and occupation or business of the person, firm, or corporation desiring to conduct such auction.

(b) The name, address, and occupation or business of the person, firm, or corporation for whom the auction is to be conducted, if other than the applicant.

(c) A statement showing the dates, places, and nature of merchandise sold at all other auction sales by the applicant and/or the owner of the property to be auctioned, within two (2) years next preceding the date of the application.

(d) Whether or not any other application for a permit by him or the owner of the goods has been refused and/or whether any such permit has been revoked or challenged after the issuance.

(e) The name and address of the auctioneer or auctioneers who will call or cry the auction.

(2) The applicant shall file with said application a bond in the penal sum of one thousand dollars (\$1000), with good and solvent sureties, in the following form, to wit:

STATE OF TENNESSEE  
COUNTY OF SEVIER

KNOW ALL MEN BY THESE PRESENTS That we \_\_\_\_\_,  
Principal, and \_\_\_\_\_ and \_\_\_\_\_, Sureties, are  
held and firmly bound unto the City of Pigeon Forge for its own use in the penal  
sum of one thousand dollars (1,000) for the payment whereof well and truly to  
be made, we bind ourselves respectively and our heirs and administrators.

The condition of this bond is such that whereas the above named  
\_\_\_\_\_ has obligated himself to the City of Pigeon Forge in the  
penal sum of one thousand dollars (\$1,000.00) now, therefore, if the said  
\_\_\_\_\_ does well and truly conform to the provisions of  
Ord. #25 (title 9, chapter 5, Pigeon Forge Municipal Code) then this obligation  
shall be void otherwise to remain in full force and effect for the period of one  
year from the date of this bond.

It is expressly understood that this bond is payable to and recoverable by  
the City of Pigeon Forge for its own use and for the use of all persons suffering  
loss or damage by reason of the violation of said ordinance by the above named  
principal, and to compel the principal herein to perform the obligation herein  
undertaken.

In witness whereof, we have hereunto set our hands, this \_\_\_\_\_  
day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
Principal  
  
\_\_\_\_\_  
Surety  
  
\_\_\_\_\_  
Surety

APPROVED:

\_\_\_\_\_  
City Attorney  
(1979 Code, § 5-402)

**9-503. Board action upon application.** Upon the filing of such application and bond, the board of commissioners shall consider the application together with oral testimony of the applicant, the owner and/or other witnesses, if required by said board of commissioners. If, in the opinion of the board of commissioners, after due consideration, it appears that the auction is for legitimate business purposes and not as a fraud upon the public; that the auction is to be conducted at a suitable and proper place, considering the traffic on the street, the congestion of the sidewalk, the usual place of business of the applicant, and the businesses surrounding the proposed place of auction; that the proposed advertisements of the auction fairly represents the merchandise to the public; and that the applicant, owner, and/or auctioneer is of good character and has not violated heretofore this or similar ordinances; and that the sureties on his bond are solvent; the board of commissioners shall issue a permit for such a period as it shall be shown necessary to dispose of the property described, but in no event for a longer period than two (2) weeks from the date of issuance. If a longer time shall become necessary, additional or extension permits therefor shall be obtained in the same manner as the original permit, as hereinbefore provided. The board of commissioners shall accept or reject any application within ten (10) days of date of filing. (1979 Code, § 5-403)

**9-504. Prohibited conduct by persons conducting auctions.** It is hereby declared to be unlawful for any auctioneer, person, firm, or corporation conducting or holding a public or private auction of personal property within the City of Pigeon Forge, Tennessee, to:

(1) Mislead the public as to the reason or purpose for holding said auction by any type or method of advertisement or inducement.

(2) Offer for sale or sell at any auction held for the purpose of "going out of business" any merchandise other than merchandise in stock at the time of commencement of said auction.

(3) Have an agent or other person, designated by whatever title or in whatever manner, to sit in the audience and support the bids by making bids for the sole purpose of maintaining a high bid level and not as a bona fide offer to buy.

(4) Mislead the public by false, fraudulent, or negligent advertising concerning the quality of goods sold.

(5) Hold said auction at any time between the hours of 9:00 o'clock A.M. and 4:00 o'clock P.M., and between 8:00 o'clock and 11:00 o'clock P.M.

(6) Make any false representations or statements as to the ownership of, character or circumstances of the owner, or pretended owner, of such property for the purpose of inducing the sale thereof.

(7) Falsely advertise, state, or represent that such goods, wares, and merchandise are in whole, or in part, a bankrupt or insolvent stock, or damaged goods saved from fire, or to make any false statement, representation, or

advertisement as to the purchase, history, or character of such goods, wares, or merchandise.

(8) Substitute any article in lieu of that described and offered to and purchased by the bidder.

(9) Represent and/or sell as new or unused merchandise any second hand or used merchandise.

(10) Alter, transfer, lend, sell, or rent out any permit issued under this chapter or to use any permit not issued to the person so using.

(11) Conduct an auction sale covered by this chapter without a permit or after the expiration of the permit issued or after the revocation or suspension of such permit. (1979 Code, § 5-404)

**9-505. Permits not transferable; may be suspended, etc.** No permit issued hereunder shall be assignable or transferable. Any permit so issued may be suspended, recalled, or revoked by the board of commissioners for any violation of this chapter. (1979 Code, § 5-405)

**9-506. Permits to be displayed.** Any permit issued hereunder shall be continuously displayed where such auction sale is conducted. (1979 Code, § 5-406)

## CHAPTER 6

### FORTUNE TELLERS, ETC.

#### SECTION

9-601. Board to supervise.

9-602. Permit required, conditions, license fee, etc.

9-603. Unlawful to operate without a permit.

**9-601. Board to supervise.** There is hereby created a board which shall be composed of the city manager, city recorder and the chief of police, whose duty it shall be to supervise the issuance of permits to persons who engage in the business or occupation of telling fortunes, or practicing clairvoyance, spiritualism, palmistry, phrenology, card reading or any similar business or occupation within the city. (1979 Code, § 5-601)

**9-602. Permit required, conditions, license fee, etc.** (1) Before any person shall be authorized to engage in the business or occupation of fortune telling or any similar business as set forth in title 9, chapter 6, section 601 of the Pigeon Forge Municipal Code, he shall make application to the board for a permit and shall pay to the city all required fees for the issuance of a license or permit. No permit shall be approved and issued by the board until or unless the applicant meets the following qualifications:

(a) The applicant must show proof that he has not been convicted of any crime involving moral turpitude within the past five (5) years. For the purpose of this section, moral turpitude shall include anything done contrary to justice and honesty.

(b) The applicant shall furnish to the board a written statement setting forth his residence for the past five (5) years and the names and addresses of similar businesses which he has operated during the past five (5) years, if any.

(c) The applicant must set forth the particular place for which the permit and the license is desired and no permit shall be issued to conduct any such business within one (1) mile of any school building. No permits shall be issued for the practice of said occupation except in such areas as are zoned for commercial purposes, and the location must meet all requirements of the zoning ordinance.

(2) The board may revoke any permit issued under the provisions of this section for any violation of this section or if the applicant is convicted of any crime involving moral turpitude. (1979 Code, § 5-602, as amended by Ord. #585, Nov. 1998, and Ord. #587, Jan. 1999)

**9-603. Unlawful to operate without a permit.** Any person who engages in or undertakes to engage in such businesses or occupations within the

city without first having secured a permit therefor as herein provided, or who engages therein after such permit expires or is revoked, shall be deemed guilty of a misdemeanor. (1979 Code, § 5-603)

## CHAPTER 7

### RODEOS, CARNIVALS, ETC.

#### SECTION

- 9-701. Permit required; application for permit.
- 9-702. General conditions to issuance of permit.
- 9-703. Permit fees.
- 9-704. Occupancy of structure prohibited prior to issuance of permit.
- 9-705. Liability insurance and cash bond.
- 9-706. Inspection of premises.
- 9-707. Revocation of permit.
- 9-708. Penalties.

**9-701. Permit required; application for permit.** No person shall conduct, erect, or cause to be conducted or erected any radio, wild west show, menagerie, circus, carnival, or similar type of itinerant show within the city without a permit so to do issued by the city manager. Application for such permit shall be in writing and filed with the city manager at least fourteen (14) days prior to the opening date of any performance. The application shall state clearly the following:

- (1) Whether any open flame is intended to be used within the structure, and if so, what precautions are to be taken to render it safe.
- (2) The name of the person, firm, or corporation which will use the structure.
- (3) The location of the principal place of business of such person, firm, or corporation.
- (4) The names and addresses of the officers of such firm or corporation.
- (5) The length of time the structure is intended to be used for the purpose applied for.
- (6) The hours of the day or night during which such structure is intended to be used as a place of assembly.
- (7) The formula of the solution which is to be used to flameproof the structure, or a copy of a certificate showing the date of the last flameproof treatment and by whom performed.
- (8) What provisions have been made for sanitary facilities for persons using the premises on which such structure is to be erected or is maintained.
- (9) The name or names of the sponsoring local person or group.
- (10) That only safety film motion pictures will be used, where motion pictures are to be shown.
- (11) That the proposed operation is in compliance with the zoning ordinance, as amended.
- (12) Such other relevant information as the city manager may require.

Such application shall include the names of the owners, their addresses, and the name or names of the manager or managerial personnel of the operation. (1979 Code, § 5-701)

**9-702. General conditions to issuance of permit.** The city manager shall not issue a permit required by this chapter unless the applicant has made provision for:

- (1) Adequate aisles, seats, platforms, and poles.
- (2) Sufficient exits, well marked and properly lighted.
- (3) Lighted and unobstructed passageways to areas leading away from the structure, so that fire-fighting equipment and personnel may operate easily.
- (4) Removal, before the structure is to be used as a place of public assembly, of any pole, rope, or other obstruction in any aisle or exit.
- (5) Inspection before the opening of the show by the local electrical inspector to ascertain if any defects exist in the wiring and provision made for immediate correction of any defects which may be found.
- (6) Sufficient first-aid fire appliances to be distributed throughout the structure with operating personnel familiar with the operation of such equipment available and assigned during the use of such structure as a place of assembly.
- (7) Sufficient "NO SMOKING" signs visible at all times.
- (8) An employee at each entrance to require the extinguishing of all cigarettes, cigars, and other smoking materials.
- (9) Announcement at frequent intervals to the persons in the assembly of the fact that smoking within the structure is prohibited.
- (10) Proper safeguarding of any open flame or its use prohibited.
- (11) The prohibition of fireworks.
- (12) The clearing of straw, dry grass, sawdust, and any combustible trash from the structure before it is opened to the public and arrangements made to keep the areas where debris may be inspected to accumulate well serviced, especially under open seats.
- (13) Proper facilities for calling the city fire department.
- (14) Adequate police and fire personnel and equipment, at the applicant's expense, for the control of persons in the assembly to prevent overcrowding, obstruction of aisles and exits and such other control as may be necessary to render the occupation of such structure or its use by the public safe.
- (15) Rendering nonflammable the tent and canvas parts of the structure and all combustible decorative materials, including curtains, acoustic materials, streamers, cloth, cotton batting, straw, vines, leaves, trees, and moss. (1979 Code, § 5-702)

**9-703. Permit fees.** (1) The following fees are to be paid to the city recorder for permits required by this chapter, in addition to any other fee, tax, or payment required by any other provisions of this code or state statutes:

(a)	Rodeo and wild west show, per day . . . . .	\$150.00
(b)	Menageries, per day . . . . .	75.00
(c)	Circus and menagerie parades within the city, when circus or menagerie is located outside city, per day . . . . .	100.00
(d)	Buildings for entertainment, amusement or exhibitions of any kind or nature not enumerated above:	
	Per day . . . . .	2.00
	Per week . . . . .	6.00
	Per month . . . . .	15.00
	Per six months . . . . .	25.00
(e)	Motor carnival, per day (first day) . . . . .	100.00
	Per day (after first day) . . . . .	75.00
	Concessions--Less Than 20'x 20', per day . . . . .	3.00
	Concessions--20'x 20' or more, per day . . . . .	5.00
(f)	Circus, per day (first day) . . . . .	100.00
	Per day (after first day) . . . . .	75.00
	Concessions--Less than 20'x 20', per day . . . . .	3.00
	Concessions--20'x 20' or more, per day . . . . .	5.00
(g)	Tent shows, except religious:	
	Per day . . . . .	20.00
	Per week . . . . .	75.00
(h)	Any amusement or entertainment or show of any kind, except religious, on any lot of land in the city not included above:	
	Per day . . . . .	20.00
	Per week . . . . .	75.00

(2) The above fees shall not apply to those activities fostered and supervised by the recreation department of the city or to permanently located amusement facilities. (1979 Code, § 5-703)

**9-704. Occupancy of structure prohibited prior to issuance of permit.** It shall be unlawful for any person to cause or permit the occupancy of a structure for purposes defined in this chapter, as a place of assembly, unless the permit required by this chapter has been issued. (1979 Code, § 5-704)

**9-705. Liability insurance and cash bond.** The applicant for a permit required by this chapter shall furnish evidence that a public liability insurance policy in the amount of not less than one hundred thousand dollars (\$100,000.00) for one person and three hundred thousand dollars (\$300,000.00) for any one accident, is in force and effect at the time such structure is to be occupied as a place of assembly by the public. The applicant shall deposit with the city finance director a cash bond in the sum of three hundred dollars

(\$300.00), conditioned that no damage will be done to the streets, sewers, trees, or adjoining property and that no dirt, paper, litter, or other debris will be permitted to remain upon the streets or upon any private property by such applicant. Such cash bond shall be returned to the applicant upon certification by the city manger that all conditions of this chapter have been complied with. (1979 Code, § 5-705)

**9-706. Inspection of premises.** The city manager shall cause an inspection to be made, at least forty-eight (48) hours prior to the first performance or to the erection of a structure for which a permit is required by this chapter, to determine if provisions of all health, safety, and zoning rules, regulations, and appropriate sections of this code are complied with or will be complied with in a satisfactory manner. (1979 Code, § 5-706)

**9-707. Revocation of permit.** If the city manager finds that a structure is being maintained in violation of any of the provisions of this chapter, or in such a manner as to constitute a fire hazard, he may revoke the permit issued under this chapter and it shall thereafter be unlawful for any person to continue to operate the activity or show covered by such permit or to allow the occupancy of such structure. (1979 Code, § 5-707)

**9-708. Penalties.** Any person found to be in violation of this chapter shall be subject to the penalties provided for in the adopting ordinance for this municipal code. (1979 Code, § 5-708)

## CHAPTER 8

### POOL ROOMS<sup>1</sup>

#### SECTION

9-801. Minors to be kept out; exception.

**9-801. Minors to be kept out; exception.** It shall be unlawful for any person engaged regularly or otherwise in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables kept by private persons and used in private families.

It is further provided that this section shall not apply to the use of billiards and pool tables by minors at the Pigeon Forge Community Center which are used under the supervision of city personnel at said community center. (1979 Code, § 5-102, as amended by Ord. #641, Oct. 2000)

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

## CHAPTER 9

### CABLE TELEVISION REGULATIONS<sup>1</sup>

#### SECTION

9-901. Federal regulations adopted.

9-902. Franchising authority.

**9-901. Federal regulations adopted.** Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the City of Pigeon Forge, Tennessee to regulate basic cable television service within the boundaries of the City of Pigeon Forge; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the City of Pigeon Forge, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (1979 Code, § 13-501)

**9-902. Franchising authority.** Whenever the regulations cited in § 9-901 refer to "franchising authority", it shall be deemed to be a reference to the Board of Commissioners of the City of Pigeon Forge, Tennessee. (1979 Code, § 13-502)

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<sup>1</sup>Municipal code reference

Cable television franchise: title 9, chapter 10.

**CHAPTER 10**

**CABLE TELEVISION**

**SECTION**

9-1001. To be furnished under franchise.

**9-1001. To be furnished under franchise.** Cable television service shall be furnished to the City of Pigeon Forge and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Pigeon Forge and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup>

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #90, 153, 204, 265, 300, 465, 586, 591, 601, 602, 668, and 687 in the office of the city recorder.

## CHAPTER 11

### ADULT-ORIENTED BUSINESS ESTABLISHMENTS

#### SECTION

- 9-1101. Rationale and findings.
- 9-1102. Definitions.
- 9-1103. Classifications.
- 9-1104. License required.
- 9-1105. Issuance of license.
- 9-1106. Fees.
- 9-1107. Inspection.
- 9-1108. Expiration and renewal of license.
- 9-1109. Suspension.
- 9-1110. Revocation.
- 9-1111. Hearing; license denial, suspension, revocation; appeal.
- 9-1112. Transfer of license.
- 9-1113. Hours of operation.
- 9-1114. Regulations pertaining to exhibition of sexually explicit films on premises.
- 9-1115. Loitering and exterior lighting and monitoring requirements.
- 9-1116. Penalties and enforcement.
- 9-1117. Applicability of chapter to existing businesses.
- 9-1118. Prohibited conduct.
- 9-1119. Scierter required to prove violation or business licensee liability.
- 9-1120. Failure of city to meet time frame not to risk applicant/licensee rights.
- 9-1121. Severability.
- 9-1122. Conflicting code provisions repealed.

**9-1101. Rationale and findings.** 1. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, moral, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

2. Findings and rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.* 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); and *2 Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville and Davidson County*, 2006 WL 2882969 (6th Cir. 2006); *Sensations, Inc. v. City of Grand Rapids*, No. 1:06-cv-300, R. 73, Opinion (W.D. Mich. Oct. 23, 2006); *729, Inc. v. Kenton County*, 2006 WL 2842884 (E.D. Ky. 2006); *Deja Vu of Cincinnati, L.L.C. v. Union Township Bd. Of Trustees*, 411 F.3d 777 (6th Cir. 2005) (en banc); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *City of Chicago v. Pooh Bah Enterprises, Inc.*, 2006 WL 2827608 (Ill. 2006); *Sensations, Inc. v. City of Grand Rapids*, 2006 WL 2504388 (W.D. Mich. 2006); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, 2006 WL 2873027 (7th Cir. 2006); *181 South, Inc. v. Fischer*, 454 F.3d 228 (3rd Cir. 2006); *Bronco's Entertainment, Ltd. v. Charter Twp. of Van Buren*, 421 F.3d 440 (6th Cir. 2005); *Charter Twp. of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003); *Jott, Inc. v. Clinton Twp.*, 224 Mich. App. 513 (1997); *Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck*, 449 Mich. 353 (1995); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Kentucky Restaurant Concepts, Inc. v. City of Louisville*, 209 F. Supp. 2d 672 (W.D. Ky. 2002); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't*, 60 S.W.3d 572 (Ky. Ct. App. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Ctr. for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. Metro Gov't*, Case No. 04-CI-01967 (Jefferson Circuit Court, Summary Judgment Order, Dec. 14, 2004); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 28 Fed. Appx. 438 (6th Cir. Jan. 24, 2002); *Broadway Books v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Threesome Entertainment v. Strittmather*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th

Cir. 2005); In re Tennessee Public Indecency Statute, 172 F.3d 873 (6th Cir. Jan. 13 1999)(table); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the city council finds:

a. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.

b. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

c. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this chapter, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1102. Definitions.** For purposes of this chapter, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

1. "Administrator" means the city clerk.
2. "Adult bookstore or adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or

rental for any form of consideration anyone or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

a. "Principal business activity" exists where the commercial establishment:

i. Has a substantial portion of its displayed merchandise which consists of said items, or

ii. Has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or

iii. Has a substantial portion of the retail value of its displayed merchandise which consists of said items, or

iv. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items, or

v. Maintains a substantial portion of its interior business space or, if less than thirty (30%) percent, devotes at least three hundred fifty (350) square feet of its interior business space, to the display, sale, and/or rental of the foregoing items (aisles and walkways used to access said items shall be included in "interior business space") and limits access to the premises or to the portion of the premises occupied by said items to adults only; or

vi. Offers for sale or rental at least one thousand five hundred (1,500) of the foregoing items and limits access to the premises or to the portion of the premises occupied by said items to adults only; or

vii. Maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or specified "anatomical areas."

3. "Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

4. "Adult motion picture theater" means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five (5) persons for any form of consideration.

5. "Characterized by" means describing the essential character or quality of an item. As applied in this chapter, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

6. "City" means the City of Pigeon Forge, Tennessee.

7. "Employ, employee, and employment" describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

8. "Establish or establishment" shall mean and include any of the following:

a. The opening or commencement of any sexually oriented business as a new business;

b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

c. The addition of any sexually oriented business to any other existing sexually oriented business.

9. "Hearing officer" means an attorney, not otherwise employed by the city, who is licensed to practice law in Tennessee, and retained to serve as an independent tribunal to conduct hearings under this chapter.

10. "Influential interest" means any of the following:

a. The actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business;

b. Ownership of a financial interest of fifty percent (50%) or more of a business or of any class of voting securities of a business; or

c. Holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

11. "Licensee" shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In the case of an "employee," it shall mean the person in whose name the sexually oriented business employee license has been issued.

12. "Nudity or a state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

13. "Operate or cause to operate" shall mean to cause to function or to put or keep in a state of doing business. "Operator" means any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the

business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

14. "Person" shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

15. "Premises" means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

16. "Regularly" means and refers to the consistent and repeated doing of the act so described.

17. "Semi-nude or state of semi-nudity" means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

18. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

ii. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.

19. "Sexual device" means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be

construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

20. "Sexual device shop" means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to their premises by reason of age.

21. "Sexual encounter center" shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.

22. "Sexually oriented business" means an "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," a "semi-nude model studio," a "sexual device shop," or a "sexual encounter center."

23. "Specified anatomical areas" means and includes:

a. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

24. "Specified criminal activity" means:

a. Any of the following specified crimes for which less than five (5) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

i. Rape, aggravated rape, aggravated sexual assault, public indecency, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure;

ii. Prostitution, patronizing prostitution, promoting prostitution;

iii. Obscenity;

iv. Dealing in controlled substances;

v. Racketeering;

b. Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or

c. Any crime committed in a jurisdiction other than Tennessee which, if committed in this state, would have constituted one of the crimes listed above.

Notwithstanding anything in this definition of "specified criminal activity," a conviction that is later reversed, vacated, overturned or expunged by a court of law shall not be considered a "specified criminal activity" under this section.

25. "Specified sexual activity" means any of the following:

- a. Intercourse, oral copulation, masturbation or sodomy; or
- b. Excretory functions as a part of or in connection with any of the activities described in (a) above.

26. "Substantial" means at least thirty percent (30%) of the item(s) so modified.

27. "Transfer of ownership or control" of a sexually oriented business shall mean any of the following:

- a. The sale, lease, or sublease of the business;
- b. The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

28. "Viewing room" shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1103. Classification.** The classifications for sexually oriented businesses shall be as follows:

- 1. Adult bookstore or adult video store;
- 2. Adult cabaret;
- 3. Adult motion picture theater;
- 4. Semi-nude model studio;
- 5. Sexual device shop;
- 6. Sexual encounter center. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1104. License required.** 1. Business license. It shall be unlawful for any person to operate a sexually oriented business in the city without a valid sexually oriented business license.

2. Employee license. It shall be unlawful for any person to be an "employee," as defined in this chapter, of a sexually oriented business in the city without a valid sexually oriented business employee license, except that a person who is a licensee under a valid sexually oriented business license shall not be required to also obtain a sexually oriented business employee license.

3. Application. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the administrator a completed application made on a form provided by the administrator. A sexually oriented business may designate an individual with an influential interest in the business to file its application for a sexually oriented business license in person on behalf of the business. The application shall be signed as required by subsection (4) herein and shall be notarized. An

application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in this subsection (3), accompanied by the appropriate licensing fee:

a. The applicant's full legal name and any other names used by the applicant in the preceding five (5) years.

b. Current business address or another mailing address for the applicant.

c. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.

d. If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.

e. If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.

f. A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.

g. A statement of whether any sexually oriented business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):

i. Been declared by a court of law to be a nuisance; or

ii. Been subject to a court order of closure or padlocking.

h. An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply with the stage, booth, and/or room configuration requirements of this chapter shall submit a diagram indicating that the setup and configuration of the premises meets the requirements of this chapter shall submit a diagram indicating that the setup and configuration of the premises meets the requirements of the applicable regulations.

The information provided pursuant to this subsection (3) shall be supplemented in writing by certified mail, return receipt requested, to the administrator within ten (10) working days of a change of circumstances

which would render the information originally submitted false or incomplete.

4. Signature. A person who seeks a sexually oriented business employee license under this section shall sign the application for a license. If a person who seeks a sexually oriented business license under this section is an individual, he shall sign the application for a license as applicant. If a person who seeks a sexually oriented business license is other than an individual, each person with an influential interest in the sexually oriented business or in a legal entity that controls the sexually oriented business shall sign the application for a license as applicant. Each applicant must be qualified under this chapter and each applicant shall be considered a licensee if a license is granted.

5. The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the office of the administrator on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by court order. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1115. Issuance of license.** 1. Business license. Upon the filing of a completed application for a sexually oriented business license, the administrator shall immediately issue a temporary license to the applicant if the completed application is from a preexisting sexually oriented business that is lawfully operating in the city and the completed application, on its face, indicates that the applicant is entitled to an annual sexually oriented business license. The temporary license shall expire upon the final decision of the city to deny or grant an annual license. Within twenty (20) days of the filing of a completed sexually oriented business license application, the administrator shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The administrator shall issue a license unless:

- a. An applicant is less than eighteen (18) years of age.
- b. An applicant has failed to provide information required by this chapter for issuance of a license or has falsely answered a question or request for information on the application form.
- c. The license application fee required by this chapter has not been paid.
- d. The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this chapter or is not in compliance with the locational requirements any part of the City of Pigeon Forge Municipal Code or the City of Pigeon Forge Zoning Code.
- e. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
  - i. Been declared by a court of law to be a nuisance; or
  - ii. Been subject to an order of closure or padlocking.

f. An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this chapter.

2. Employee license. Upon the filing of a completed application for a sexually oriented business employee license, the administrator shall immediately issue a temporary license to the applicant if the applicant seeks licensure to work in a licensed sexually oriented business and the completed application, on its face, indicates that the applicant is entitled to an annual sexually oriented business employee license. The temporary license shall expire upon the final decision of the city to deny or grant an annual license. Within twenty (20) days of the filing of a completed sexually oriented business employee license application, the administrator shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The administrator shall issue a license unless:

a. The applicant is less than eighteen (18) years of age.

b. The applicant has failed to provide information as required by this chapter for issuance of a license or has falsely answered a question or request for information on the application form.

c. The license application fee required by this chapter has not been paid.

d. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):

i. Been declared by a court of law to be a nuisance; or

ii. Been subject to an order of closure or padlocking.

e. The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this chapter.

3. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time that the business is occupied by patrons or is open to the public. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1116. Fees.** The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as follows: One hundred dollars (\$100.00) for the initial fee for a sexually oriented business license and fifty dollars (\$50.00) for annual renewal; fifty dollars (\$50.00) for the initial sexually oriented business employee license and twenty-five dollars (\$25.00) for annual renewal. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1117. Inspection.** Sexually oriented businesses and sexually oriented business employees shall permit the administrator and his or her agents to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the sexually oriented business is occupied by patrons or is open to the public. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this chapter, but not to authorize a harassing or excessive pattern of inspections. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1118. Expiration and renewal of license.** 1. Each license shall remain valid for a period of one (1) calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in this chapter.

2. Application for renewal of an annual license should be made at least ninety (90) days before the expiration date of the current annual license, and when made less than ninety (90) days before the expiration date, the expiration of the current license will not be affected. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1119. Suspension.** 1. The administrator shall issue a written notice of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business licensee has knowingly violated this chapter or has knowingly allowed an employee to violate this chapter.

2. The administrator shall issue a written notice of intent to suspend a sexually oriented business employee license if the employee has knowingly violated this chapter. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1110. Revocation.** 1. The administrator shall issue a written notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the licensee knowingly violates this chapter or has knowingly allowed an employee to violate this chapter and a suspension of the licensee's license has become effective within the previous twelve (12) month period.

2. The administrator shall issue a written notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if:

a. The licensee has knowingly given false information in the application for the sexually oriented business license or the sexually oriented business employee license.

b. The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises of the sexually oriented business;

c. The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises of the sexually oriented business;

d. The licensee knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked; or

e. The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the premises of the sexually oriented business.

3. The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.

4. When, after the notice and hearing procedure described in this chapter, the city council revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for one (1) year from the date revocation becomes effective. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1111. Hearing; denial, revocation, and suspension; appeal.**

1. When the administrator issues a written notice of intent to deny, suspend, or revoke a license, the administrator shall immediately send such notice, which shall include the specific grounds under this chapter for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the administrator for the respondent. The notice shall specify a date, not less than ten (10) days nor more than twenty (20) days after the date the notice is issued, on which the city council shall conduct a hearing on the administrator's written notice of intent to deny, suspend, or revoke the license.

At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the administrator's witnesses. The administrator shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two (2) days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The city council shall issue a written decision, including specific reasons for the decision pursuant to this chapter, to the respondent within five (5) days after the hearing.

If the decision is to deny, suspend, or revoke the license, the decision shall not become effective until the thirtieth (30th) day after it is rendered, and the decision shall include a statement advising the respondent of the right to appeal such decision to a court of competent jurisdiction. If the city council's decision finds that no grounds exist for denial, suspension, or revocation of the license, the city council shall, contemporaneously with the issuance of the decision, order the administrator to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the administrator shall contemporaneously therewith issue the license to the applicant.

2. If any court action challenging the city council's decision is initiated, the city council shall prepare and transmit to the court a transcript of the hearing within ten (10) days after receiving written notice of the filing of the court action. The city council shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings. The following shall apply to any sexually oriented business that is lawfully operating as a sexually oriented business, or any sexually oriented business employee that is lawfully employed as a sexually oriented business employee, on the date on which the completed business or employee application, as applicable, is filed with the administrator: Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city's enforcement of the denial, suspension, or revocation, the administrator shall immediately issue the respondent a provisional license. The provisional license shall allow the respondent to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to restrain or otherwise enjoin the city's enforcement. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1112. Transfer of license.** A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1113. Hours of operation.** No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 A.M. on any day. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1114. Regulations pertaining to exhibition of sexually explicit films or videos.** 1. A person who operates or causes to be operated a sexually oriented business which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video

cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

a. Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

b. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

c. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

d. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.

e. It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

- i. That the occupancy of viewing rooms less than one hundred fifty (150) square feet is limited to one (1) person.
- ii. That sexual activity on the premises is prohibited.
- iii. That the making of openings between viewing rooms is prohibited.
- iv. That violators will be required to leave the premises.
- v. That violations of these regulations are unlawful.

f. It shall be the duty of the operator to enforce the regulations articulated in (e)(i) through (iv) above.

g. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

2. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1115. Loitering, exterior lighting, visibility, and monitoring requirements.** 1. It shall be the duty of the operator of a sexually oriented business to:

a. Post conspicuous signs stating that no loitering is permitted on such property;

b. Designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every ninety (90) minutes or inspecting such property by use of video cameras and monitors; and

c. Provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.

2. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

3. No sexually oriented business shall erect a fence, wall, or other barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right of way. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1116. Penalties and enforcement.** 1. A person who knowingly disobeys, omits, neglects, or fails to comply with or resists the enforcement of any of the provisions of this section shall be guilty of a violation and, upon conviction, shall be punishable by a fine not to exceed fifty dollars (\$50.00). Each violation of this section shall be considered a separate offense, and any violation continuing more than one-half (½) hour or reoccurring within one-half (½) hour shall be considered a separate offense for each half-hour (½) of violation.

2. Violations of this section may be restrained or enjoined, and to this end, the city may institute civil proceedings in any court of competent jurisdiction to prosecute, restrain, enjoin or correct violations of this section. Such proceedings shall be brought in the name of the city, provided, however, that nothing in this section and no action taken hereunder shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this section, or any of the laws or ordinances in force in the city or to exempt anyone violating this section or any part of the said laws from any penalty which may be incurred. (as added by Ord. #795, April 2006, as replaced by Ord. #816, Dec. 2006)

**9-1117. Applicability of chapter to existing businesses.** All existing sexually oriented businesses and sexually oriented business employees are hereby granted a de facto temporary license to continue operation or employment for a period of ninety (90) days following the effective date of this chapter. By the end of said ninety (90) days, all sexually oriented businesses and sexually oriented business employees must conform to and abide by the requirements of this chapter. (as added by Ord. #816, Dec. 2006)

**9-1118. Prohibited conduct.** It is unlawful for a sexually oriented business licensee to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations.

1. It shall be a violation of this chapter for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.

2. It shall be a violation of this chapter for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six (6) feet from any patron or customer and on a stage at least eighteen (18) inches from the floor in a room of at least one thousand (1,000) square feet.

3. It shall be a violation of this chapter for any employee who regularly appears semi-nude in a sexually oriented business to knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business.

4. It shall be a violation of this chapter for any person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

5. It shall be a violation of this chapter for any person to knowingly allow a person under the age of eighteen (18) years on the premises of a sexually oriented business.

A sign in a form to be prescribed by the administrator, and summarizing the provisions of subsections (1), (2), (3), (4), and (5), shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry. (as added by Ord. #816, Dec. 2006)

**9-1119. Scienter required to prove violation or business licensee liability.** This chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this chapter. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this chapter, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act. (as added by Ord. #816, Dec. 2006)

**9-1120. Failure of city to meet deadline not to risk applicant/licensee rights.** In the event that a city official is required to act or to do a thing pursuant to this chapter within a prescribed time, and fails to act or to do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the city official under this chapter, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the city of an applicant or licensee's application for sexually oriented business license or a sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the city's action has passed. (as added by Ord. #816, Dec. 2006)

**9-1121. Severability.** This chapter and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such

section or provision so known to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter. (as added by Ord. #816, Dec. 2006)

**9-1122. Conflicting code provisions repealed.** Ordinance No. 795 is hereby repealed. Any other provision(s) in the City of Pigeon Forge Municipal Code in conflict with any provision in this chapter is hereby deemed inoperative and repealed. (as added by Ord. #816, Dec. 2006)

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

1. IN GENERAL.
2. DOGS.

**CHAPTER 1****IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1979 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep any animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1979 Code, § 3-102)

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1979 Code, § 3-103)

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water,

shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1979 Code, § 3-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1979 Code, § 3-105)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1979 Code, § 3-106)

**10-107. Seizure and disposition of animals.** (1) Any dog, cat, fowl or other domesticated animal as defined in Tennessee Code Annotated, § 39-14-201(3), found to be at large and/or trapped by an animal control officer, police officer or any other city employee assigned to this duty, or by the general public, may be upon seizure, taken to an animal shelter, humane society or pound authorized, designated or approved by the board of commissioners.

(2) Such animal shelter, humane society or pound approved or designated by the board of commissioners may under the statutes of the State of Tennessee as they apply to Societies for the Prevention of Cruelty to Animals-Powers, 39-14-210(c)(2), humanely euthanize, or cause to be euthanized, any animal found abandoned or otherwise as stated in said statute, after a holding period of not less than seventy two (72) hours. Said animal shelter, humane society or pound designated by the board of commissioners will make every effort to locate the owners of lost animals that come into their custody that are bearing identification, by holding them for five (5) days, and by notifying the last known owners, by certified mail, prior to the final disposition of the animal.

(3) Nothing herein shall require the destruction of stray animals, unless so ordered by health officers for the purpose of rabies or other disease control concerns. Otherwise any animal shelter or humane society or pound designated by the board of commissioners may reserve the right to seek responsible homes for stray animals and enter into their care, following the holding period for stray animals as described above. (1979 Code, § 3-107, as replaced by Ord. #693, Feb. 2003)

**10-108. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1979 Code, § 3-108)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Operation of a dog pound.
- 10-208. Deleted.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog 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 through 68-8-114) or other applicable law. (1979 Code, § 3-201)

**10-202. Dogs to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1979 Code, § 3-202)

**10-203. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1979 Code, § 3-203)

**10-204. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1979 Code, § 3-204)

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1979 Code, § 3-205)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1979 Code, § 3-206)

**10-207. Operation of a dog pound.** The mayor, with the approval of the board of commissioners, is hereby authorized to contract for the operation of a dog pound. This contract shall set out the charges to the city, boarding charges to the dog owner, and any other conditions necessary to the purpose of this chapter. (1979 Code, § 3-207)

**10-208. Deleted.** (1979 Code, § 3-208, as deleted by Ord. #694, Feb. 2003)

**TITLE 11**

**MUNICIPAL OFFENSES<sup>1</sup>**

**CHAPTER**

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.
8. NOISE CONTROL REGULATIONS.

**CHAPTER 1**

**ALCOHOL<sup>2</sup>**

**SECTION**

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

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place, except the consumption of beer lawfully sold and served in a restaurant/eating place or special event location holding a lawful beer sales permit as provided by the Pigeon Forge Municipal Code shall not be deemed a violation hereof. (1979 Code, § 10-229, as amended by Ord. #708, Aug. 2003)

**CHAPTER 2**

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-201. Assault and battery.

**11-201. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1979 Code, § 10-201)

**CHAPTER 3**

**OFFENSES AGAINST THE PEACE AND QUIET**

**SECTION**

11-301. Disturbing the peace.

**11-301. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1979 Code, § 10-202)

## CHAPTER 4

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

- 11-401. Escape from custody or confinement.
- 11-402. Impersonating a government officer or employee.
- 11-403. False emergency alarms.
- 11-404. Resisting or interfering with an officer.
- 11-405. Coercing people not to work.

**11-401. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1979 Code, § 10-209)

**11-402. Impersonating a government officer or employee.** No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1979 Code, § 10-211)

**11-403. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1979 Code, § 10-217)

**11-404. Resisting or interfering with an officer.** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1979 Code, § 10-210)

**11-405. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1979 Code, § 10-230)

## CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

## SECTION

- 11-501. Air rifles, etc.  
11-502. Throwing missiles.  
11-503. Discharge of firearms.

**11-501. Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1979 Code, § 10-213)

**11-502. Throwing missiles.** It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1979 Code, § 10-214)

**11-503. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1979 Code, § 10-212, modified)

## CHAPTER 6

### TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

#### SECTION

- 11-601. Trespassing.
- 11-602. Trespassing on trains.
- 11-603. Malicious mischief.
- 11-604. Interference with traffic.

**11-601. Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1979 Code, § 10-226)

**11-602. Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1979 Code, § 10-221)

**11-603. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1979 Code, § 10-225)

**11-604. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1979 Code, § 10-232)

## CHAPTER 7

### MISCELLANEOUS

#### SECTION

- 11-701. Abandoned refrigerators, etc.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices, etc., on utility poles.
- 11-704. Curfew for minors.
- 11-705. Wearing masks.
- 11-706. Landing airplanes, helicopters, etc.
- 11-707. Heliport prohibited within corporate limits.
- 11-708. Soliciting rides on the streets.
- 11-709. Use of hand held laser lights.

**11-701. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. (1979 Code, § 10-223)

**11-702. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1979 Code, § 10-231)

**11-703. Posting notices, etc., on utility poles.** It shall be unlawful for any person, firm, or corporation to, in any manner, attach signs, handbills, posters, notices, either by use of tacks, staples, paste, cords, or otherwise, to utility poles within the City of Pigeon Forge.

It is declared that the placing of signs on said poles is a hazard to the safety of employees required to climb said utility poles. (1979 Code, § 10-227)

**11-704. Curfew for minors.** It shall be unlawful for any person under the age of eighteen (18) years to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor.

Any activity conducted at the Pigeon Forge Community Center which is sponsored by the city or supervised by city personnel shall be deemed a lawful activity by minors as herein contemplated and no attendance by a minor at such activity which may extend beyond 11 P.M. shall be deemed a violation of curfew. (1979 Code, § 10-224, as amended by Ord. #640, Oct. 2000)

**11-705. Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1979 Code, § 10-234)

**11-706. Landing airplanes, helicopters, etc.**<sup>1</sup> It shall be unlawful for any person, firm, partnership, or corporation to land any airplane, helicopter, or flying machine within the boundaries of the city limits of Pigeon Forge, Tennessee, except as hereinafter provided. Landings and takeoffs of flying machines on an emergency basis. Further, the landing and taking off of a helicopter shall be deemed allowable when such landing and taking off is done within the context of an aerial performance or show, with paid customer attendance. This allowance shall not be construed in any way to mean that the

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<sup>1</sup>Subsequent to the enactment of the provisions in this section the city annexed an area which included premises where helicopters were operating. The helicopter operations in the annexed area were allowed to continue notwithstanding the provisions in this section. However, on May 14, 1990, the city adopted Ord. #411, of record in the recorder's office, which provides as follows:

- (1) That two years from the date of final passage of this ordinance, it shall be unlawful for any existing helicopter operation to land upon or takeoff from land within the corporate limits of the City of Pigeon Forge for purposes of carrying passengers upon sightseeing tours, excursions, trips, etc.
- (2) That this ordinance shall apply only to helicopter operations that were in existence prior to annexation within the corporate limits of the City of Pigeon Forge and which have been operating as a pre-existing nonconforming use.
- (3) Any person, corporation, partnership, or other entity violating the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine of \$50 and all court costs.
- (4) In addition to any other remedies, the City of Pigeon Forge may seek injunctive relief as allowed by law to effectuate the provisions of this ordinance.
- (5) This ordinance shall take effect 15 days after its final passage, the public welfare requiring it."

transport of paid or unpaid passengers on a helicopter or other flying machine is an acceptable allowance. The first paragraph set out above shall rule in respect to passenger carrying sightseeing tours, excursions, trips, etc. (1979 Code, § 10-235)

**11-707. Heliports prohibited within corporate limits.** It is hereby unlawful to operate a heliport as defined under state law within the corporate limits of the City of Pigeon Forge unless the same is at a health care institution as defined under state law or when a helicopter makes a landing required by an emergency. (as added by Ord. #805, July 2006)

**11-708. Soliciting rides on the streets.** It shall be unlawful for any person to stand upon any street or roadway in the city, including any sidewalk, shoulder, parkway or median strip therein, for the purpose of soliciting a ride from the occupant of any vehicle. The provisions of this section shall not apply to any person soliciting transportation in cases of an actual bona fide emergency. (1979 Code, § 10-236; as renumbered by Ord. #805, July 2006)

**11-709. Use of hand held laser lights.** (1) No person shall use outside the confines of a building any hand held laser light for any purpose within the City of Pigeon Forge, Tennessee.

(2) No person shall use any hand held laser light for any purpose at any sporting event conducted indoors within the City of Pigeon Forge, Tennessee.

(3) Any person found guilty of violating the provisions herein may be fined up to the sum of fifty dollars (\$50.00) for each violation, plus court costs. (As added by Ord. #598, May 1999; as renumbered by Ord. #805, July 2006)

## CHAPTER 8

### NOISE CONTROL REGULATIONS

#### SECTION

- 11-801. Short title.
- 11-802. Declaration of policy.
- 11-803. Definitions.
- 11-804. Noise disturbances prohibited.
- 11-805. Prohibited noise sound level standards.
- 11-806. Amplified sound.
- 11-807. Enforcement.

**11-801. Short title.** This chapter shall be known as the Pigeon Forge Noise Control Ordinance. (1979 Code, § 10-301)

**11-802. Declaration of policy.** It is hereby declared that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of the City of Pigeon Forge, Tennessee. This chapter is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Pigeon Forge through the reduction, prohibition and regulation of noise. It is the intent of this chapter to establish and provide for sound levels that will eliminate unnecessary and excessive noise, reduce traffic and community noise, and establish noise standards and sound levels that will promote a comfortable enjoyment of life, property, and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community. (1979 Code, § 10-302)

**11-803. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "A' weighted sound pressure level" means the sound pressure level as measured with the sound level meter using the "A" weighing network. The standard unit notation is dB(A).

(2) "Commercial purpose" shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

(3) "Commercial district" shall mean the following:

(a) An area where offices, clinics and the facilities needed to serve them are located;

(b) An area with local shopping and service establishment;

(c) A tourist oriented area where hotels, motels, and gasoline stations are located;

(d) A business strip along a main street containing offices, retail businesses, and commercial enterprises.

(4) "Construction activities" shall mean any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

(5) "Continuous noise" shall mean a steady, fluctuating, or impulsive noise which exists, essentially without interruption, for a period of ten (10) minutes or more, with an accumulation of an hour or more over a period of eight hours.

(6) "Device" shall mean any mechanism which is intended to produce or which actually produces sound when operated or handled.

(7) "Decibel" (dB) means a unit for measuring the volume of sound, equal to twenty times the logarithm of the A-weighted sound pressure level.

(8) "Dynamic breaking device" shall mean a device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(9) "Emergency work" is work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger or potential danger.

(10) "Fluctuating noise" shall mean the sound pressure level of a fluctuating noise varies more than 6 dB(A) during the period of observation when measured with the slow meter characteristic of a sound level meter.

(11) "Impulsive noise" shall mean a noise containing excursions usually less than one second and varies more than 20 dB(A) during the period of observation when measured with the fast meter characteristics of a sound level meter.

(12) "Industrial district" shall mean an area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located.

(13) "Motor vehicle" shall mean any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts, and any other vehicle which is self-propelled.

(14) "Muffler" shall mean an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

(15) "Non-commercial purpose" shall mean the use, operation or maintenance of any sound amplifying equipment for other than a commercial purpose. "Non-commercial purpose" shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

(16) "Plainly audible" shall mean that the information content of sound is unambiguously transferred to the auditor, such as, but not limited to, understanding of spoken speech, comprehension of raised or normal voices, or comprehension of musical rhythms.

(17) "Residential district" shall mean an area of single or multiple-family dwellings and shall include areas where multiple unit dwellings, high-rise apartments and high density residential districts are located. "Residential district" shall also include, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

(18) "Sound amplifying equipment" shall mean any machine or device for the amplification of a human voice, music, or other sound, or by which the human voice, music or any other sound is amplified.

(19) "Sound level meter" shall mean an instrument or apparatus including a microphone, an amplifier, an output meter, and weighting networks for the measurement of sound pressure. The output meter reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as specified in the American National Standards Institute Publication S1.4-1971, or successor publications.

(20) "Sound pressure level" shall mean 20 times the logarithm to the base 10 of the ration of the root mean square pressure of a sound to the reference pressure, which is  $20 \times 10^{-6}$  Newtons per meter squared.

(21) "Unnecessary noise" means excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of any person, or causes damage to property or business.

(22) All technical terminology used in this chapter, unless the context otherwise requires, shall be defined in accordance with American National Standards Institute (ANSI) publication S 1.1-1960, revised 1971, or successor publications of ANSI, or its successor bodies. (1979 Code, § 10-303)

**11-804. Noise disturbances prohibited.** (1) No person shall make, continue, or cause to be made or continued any unnecessary noise within the City of Pigeon Forge or as heard and measured in the manner prescribed in § 11-805(1).

(2) The following acts, and the causing thereof, are declared to be in violation of this chapter as unnecessary noises; provided, however, that the following enumeration is not in limitation of subsection (1) above:

(a) Radios, television sets, musical instruments, and similar devices. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound across a real property boundary except between the hours of 9:00 A.M. and 10:00 P.M.

The operation of any such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line, or 25 feet in the case of a vehicle on public rights of way, shall be prima facie evidence of a violation of this section except between the hours of 9:00 A.M. and 10:00 P.M.

(b) Loudspeakers and public address systems. No person shall operate or permit the operation of any loudspeaker, public address system, or similar device, such that the sound therefrom creates or amplifies sound across a real property except between the hours of 9:00 A.M. and 10:00 P.M.

(c) Animals and birds. No person shall own, possess or harbor any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create noise disturbance across a real property boundary.

(d) Exhausts--mufflers. No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motor boat, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.

(e) Defect in vehicle or load. It shall be unlawful for any person to operate, or cause or permit to be operated or used, any automobile, truck, motorcycle or other motor vehicle so out of repair, so loaded or in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement or as heard and measured in the manner prescribed in § 11-805(1).

(f) Quiet zone. The creation of any unnecessary noise is prohibited within the vicinity of any school, institution of learning, church or court while the same are in use or session, which unreasonably interferes with the workings of such institution, or within the vicinity of any hospital, nursing home or home for the aged, or which disturbs or unduly annoys patients in the hospitals or residents in the nursing home or home for the aged, provided conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, nursing home, home for the aged, church or court.

(g) Dynamic braking devices. No person shall operate any motor vehicle with a dynamic braking device engaged which is not properly muffled.

(h) Truckloading. No person shall load any garbage, trash on compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district nor within three hundred feet (300') of any hotel or motel between the hours of 10:00 P.M. and 7:00 A.M.

(i) Bells and chimes. It shall be unlawful for any person to use, operate, cause or permit to be sounded any bell or chime or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock, or school, except between the hours of 7:00 A.M. and 10:00 P.M. (1979 Code, § 10-304)

**11-805. Prohibited noise sound level standards.** Any act in violation of the following subsections is deemed to be in violation of the chapter without in any way limiting the generality of the provisions of § 11-804.

(1) Maximum permissible sound pressure levels. The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating, or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the city, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four (4) feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

TABLE A

<u>District</u>	Sound Pressure Level Limit	
	db(A)	
	Day <u>7 A M - 10 P M</u>	Night <u>10 P M - 7 A M</u>
Residential	55	50
Commercial	65	55
Industrial	80	75

When a noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.

(2) Construction activities. Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of 9:00 P.M. of one day and 6:00 A.M. of the following day.

Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit.

Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

(3) Enclosed places of public entertainment. The operating, or permitting to be operated, of any sound amplifying equipment or other noise source in any enclosed place of public entertainment shall be subject to the following provisions. When individuals are subjected to sound levels and exposure durations exceeding those shown in Table B, when measured on a sound level meter of standard design and operated on the "A" weighting network, feasible administrative or engineering controls shall be utilized to protect against the effects of such noise exposure.

TABLE B

<u>Duration per day, hours</u>	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

(4) Vehicle repairs or testing. The repairing, building, rebuilding, or testing of any truck, automobile, motorcycle or other motor vehicle within the city shall be subject to the maximum permissible sound pressure level for the district in which the source is located.

(5) Machinery, equipment, fans and air-conditioners. Operating any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device within the city shall be subject to the maximum permissible sound pressure level for the district in which the source is located.

(6) Domestic power equipment. No person shall operate or permit to be operated on private property or on the public way within any residential or commercial district(s) any power equipment rated five (5) horsepower or less and used for home or building repair or grounds maintenance between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day or operate or permit to be operated between the hours of 7:00 A.M. and 10:00 P.M. any such power equipment which emits a noise sound pressure level in excess of eighty (80) decibels in the "A" weighting network dB(A). Such power equipment shall

include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance. Noise sound pressure levels shall be measured at a distance of twenty-five feet from the noise source.

(7) Commercial power equipment. No person shall operate on any property within a residential or commercial district(s) or on any public way within a residential or commercial district(s), any power equipment rated more than five (5) horsepower, excluding construction equipment used for construction activities, such as but not limited to, chain saws, pavement breakers, log chippers, riding tractors, powered hand tools, between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day or within residential, commercial or industrial noise districts between the hours of 7:00 A.M. and 10:00 P.M. which emits a noise level in excess of eighty-eight (88) decibels, in the "A" weighting network dB(A). Noise sound pressure levels shall be measured at a distance of twenty-five (25) feet from the noise source. (1979 Code, § 10-305)

**11-806. Amplified sound.** (1) Amplified sound. (a) It shall be unlawful for any person to install, use or operate a loudspeaker or sound amplifying equipment in a fixed or moveable position or attached to or mounted upon any motor vehicle, within a residential district of the City of Pigeon Forge, for the purposes of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons.

(b) It shall be unlawful for any person to install, use or operate a loudspeaker or sound amplifying equipment in a fixed or moveable position or attached to or mounted upon any motor vehicle, within a commercial or industrial district of the City of Pigeon Forge, for the purposes of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons without first obtaining a permit from the city as described in subsection (2) below.

(c) The provisions of this section shall not apply to authorized emergency vehicles, when such authorized emergency vehicles are responding to an emergency call or when in pursuit of an actual or a suspected violator of the law, or when responding to but not upon returning from a fire alarm.

(d) The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

(2) Permit information. An applicant seeking a permit for the use of sound amplifying equipment shall provide the following information:

(a) The name, address, and telephone number of both the owner and the user or users of the sound amplifying equipment;

(b) The make, model, and license number of any vehicle used in sound amplification;

(c) The general description of the sound amplification equipment which is to be used;

(d) Whether the sound amplification equipment will be used for commercial or non-commercial purposes;

(e) The dates upon which, the streets over which, the sound amplification equipment is proposed to be operated;

(f) In the event the applicant seeks a permit for the use of sound amplification equipment at a particular location, the applicant shall provide a plat or map of his property, appropriately certified by a registered land surveyor or engineer, indicating no less than 40 marked, on-site parking spaces as defined by Article III, Section 3.090 of the Pigeon Forge Municipal Code, and have, in any instance, at least one space for every four persons in attendance at any event requiring sound amplification equipment. The applicant may include in its determination of the minimum required spaces any adjacent property owned by the State of Tennessee and acquired by leasehold from the City of Pigeon Forge, Tennessee, and any other adjacent property acquired by written lease agreement from third parties;

(g) A copy of any lease agreement included in its determination of on-site parking spaces as required by the preceding paragraph;

(h) A certification that the applicant will be responsible for providing a parking attendant, or the cost thereof in the event of the failure on the part of the applicant to so provide, to direct automobiles to any other public parking area so as to avoid congestion along the state and city rights of way and otherwise prevent unlawful parking on either public or private property.

(3) Permit issuance. Upon compliance with the provisions of subsection (4) below, a permit shall be issued to the owner of the business upon payment by the owner of a fee in the sum of one hundred fifty dollars (\$150) for one (1) day or five hundred dollars (\$500) per season. For the purposes of this section, season is defined as being from July 1 to June 30 of the following year.

(4) Regulation governing sound amplifying equipment. The commercial and non-commercial use of sound amplifying equipment shall be subject to the following regulations:

(a) The sound amplifying equipment shall be operated only between the hours of 9:00 A.M. and 11:00 P.M. of each day.

(b) The maximum sound emanating from sound amplifying equipment shall not exceed the sound pressure levels established in § 11-805(1), as measured at least 25 feet from the noise source.

(c) In any event, the intensity of sound shall be so controlled that it will not be unreasonably loud, raucous, annoying, disturbing or a nuisance to any person or persons.

(d) The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

(5) Revocation. In the event a holder of a permit has two violations issued in any one season between April 1 and November 1 of each year, the permit issued shall be subject to revocation by the City Manager of Pigeon Forge, Tennessee.

In the event the city manager learns of two violations by any permit holder within any one season as defined herein, the revocation procedure shall be as follows:

(a) The city manager shall immediately send by certified mail and regular mail written notice of the issuance of two, separate violations (on different dates) at any one permit site, setting a time and place within the corporate limits of the City of Pigeon Forge for a hearing thereon.

(b) At the time of the hearing, the holder of the permit shall be allowed the opportunity to be heard on any and all issues relating to the violations and to call witnesses to testify, under oath, on his or her behalf.

(c) At the termination of the hearing, the city manager shall make a finding as to whether or not two violations of this chapter have been committed by the holder of the permit. If the city manager finds that there are less than two violations of this chapter, the holder may maintain his or her permit under the terms of this chapter.

If the city manager determines that the holder of the permit has committed two violations of this chapter, the city manager shall revoke the permit until April 1 of the year following the date of the hearing. (1979 Code, § 10-306, as amended by Ord. #528, § 1, Sept. 1996)

**11-807. Enforcement.** (1) Rules and regulations. The city manager is hereby authorized to adopt and promulgate rules and regulations deemed necessary for the proper and effective enforcement of the provisions of this chapter. Such rules and regulations shall be consistent with the provisions of this chapter and the standards established herein.

(2) Emergencies. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this chapter.

(3) Penalty. Any violation of this chapter shall constitute a misdemeanor and the violator shall be subject to a fine in the maximum amount of \$50.00 for each violation. Each day of violation shall constitute a distinct and separate offense and be punishable as such.

(4) Additional remedy-injunction. As an additional remedy, and not in lieu of any other remedy available under the Pigeon Forge Municipal Code of 1972 or otherwise, the operating or maintaining of any noise source in violation of any provision hereof and which causes discomfort or annoyance

to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(5) Enforcement personnel. In addition to the employees and officers regularly required to enforce city ordinances generally, the city manager shall assign duties of enforcement to personnel trained in noise control techniques and procedures and equipped with calibrated sound level meters.

(6) Method of enforcement of the chapter. (a) Violation of this chapter in which the noise source is not self-propelled, or if self-propelled, not customarily used or designed for transportation upon a public right of way, shall be cause for summons and complaint to be issued forthwith; provided, however, that in lieu of summons and complaint, enforcement personnel may issue a 24-hour notice, or other reasonable amount of time not to exceed five days, signed by the city manager or his duly authorized representative, in writing, which may be served personally or by certified mail to the last known address of the person to whom addressed, with return receipt requested, direct to the owner, occupant, person or persons in charge of or in control of the machine, device, building or other premises to abate said violation of this chapter. Failure to comply with the order so issued and served shall constitute a violation of this chapter.

(b) Violation of this chapter in which the noise source is a motor vehicle as defined in this chapter shall be cause for summons and complaint to be issued forthwith. This subparagraph (b) shall not apply to machines or devices not customarily used or designed for transportation.

(7) Prior ordinance. This chapter revises title 10, chapter 2, § 10-233 of the 1979 Code in its entirety and the provisions herein are in substitution in terms of the prior existing ordinance. (1979 Code, § 10-307)

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES**

**CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.
7. SWIMMING POOL CODE.
8. UNSAFE BUILDING ABATEMENT CODE.
9. MECHANICAL CODE.
10. AMUSEMENT DEVICE CODE.

**CHAPTER 1**

**BUILDING CODE<sup>1</sup>**

**SECTION**

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

**12-101. Building codes adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Residential Code, 2015 edition, as prepared and adopted by the International Code Council, and amended by this section for all one- and two-family dwellings not used as overnight rental units, and the International Building Code, 2015 edition for all buildings of public accommodation, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

the building code. (1979 Code, § 4-101, as amended by Ord. #487, April 1995, Ord. #645, Dec. 2000, Ord. #878, Nov. 2008, Ord. #913, Sept. 2010, and Ord. #1018, June 2016)

**12-102. Modifications.** (1) The text of the 2015 International Building Code shall be amended in the following manner:

- Modify 101.1: The phrase "[NAME OF JURISDICTION]" shall be changed to "the City of Pigeon Forge" in this and all other instances in this code.
- Modify 101.2: Delete [Exception] in its entirety and replace with the following:  
[Exception]. Detached one and two family dwellings not used as overnight/transient rental homes, not more than three stories above grade plane in height, and their accessory structures, agricultural buildings, and structures used exclusively for construction purposes on a temporary basis.
- Add 101.3.1: Quality Control. Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.
- Modify 101.4.1: The phrase "International Fuel Gas Code" shall be changed to "The Fuel Gas Code edition adopted and enforced by the Sevier County Utility District."
- Add 101.4.1.1: Any reference hereafter made in this code to the "International Fuel Gas Code" is hereby modified by changing to "The Fuel Gas Code edition adopted and enforced by the Sevier County Utility District."
- Modify 101.4.2: The phrase "International Mechanical Code" shall be changed to "The Mechanical Code edition adopted and enforced by the City of Pigeon Forge."
- Add 101.4.2.1: Any reference hereafter made in this code to the "International Mechanical Code" is hereby modified by changing to "The Mechanical Code edition adopted and enforced by the City of Pigeon Forge."
- Modify 101.4.3: The phrase "International Plumbing Code" shall be changed to "The Plumbing Code edition adopted and enforced by the City of Pigeon Forge."
- Add 101.4.3.1: Any reference hereafter made in this code to the "International Plumbing Code" is hereby modified by changing to "The Plumbing Code edition adopted and enforced by the City of Pigeon Forge."
- Modify 101.4.5: The phrase "International Fire Code" shall be changed to "The Fire Code edition adopted and enforced by the City of Pigeon Forge Fire Marshal's Office."

- Add 101.4.5.1: Any reference hereafter made in this code to the "International Fire Code" is hereby modified by changing to "The Fire Code edition adopted and enforced by the City of Pigeon Forge Fire Marshal's Office."
- Delete 101.4.7: Delete in its entirety and replace with the following:  
101.4.7. Energy Code. The provisions of the Energy Code edition specified in the Rules of TN Department of Commerce and Insurance - Division of Fire Prevention Chapter 0780-02-23.02(b)(1) and its amendments shall apply to matters governing the design and construction of buildings for energy efficiency.
- Delete 101.4.8: Delete in its entirety and replace with the following:  
101.4.8: The provisions of The Electrical Code edition adopted by the Tennessee State Fire Marshal's Office (SFMO) and enforced by the Tennessee Deputy State Fire Marshal Electrical Inspector shall apply to electrical installations.
- Add: 101.4.8.1: Any reference hereafter made in this code to the "Electrical Code" or the "International Electrical Code" is hereby modified by changing to "The Electrical Code edition adopted by the Tennessee State Fire Marshal's Office (SFMO) and enforced by the Tennessee Deputy State Fire Marshal Electrical Inspector."
- Delete 102.4: Delete in its entirety
- Add 104.8.2: 104.8.2 Permitting and Inspection. The inspection or permitting of any building or plan by any jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.
- Delete 104.9: Delete in its entirety
- Delete 104.9.1: Delete in its entirety
- Delete 105.1.1: Delete in its entirety and replace with the following:  
105.1.1. Issuance of Building Permit. The building inspector may issue a foundation only permit, for new construction or new additions prior to the receipt of a certified footer survey, but the applicant will be proceeding at his own risk in accordance with the terms of section 107.3.3 of this code. Prior to receiving a building permit for any above ground construction, the applicant shall submit said certified footer

survey indicating the location and extent of the proposed building or addition (including decks, etc.) in relation to property lines, rights-of-way and setback lines. The applicant shall also supply such other information as may be required by the building inspector for determining whether the provisions of the ordinances of the City of Pigeon Forge are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of the ordinances of the City of Pigeon Forge, the building inspector shall issue a building permit for such excavation or construction. (Ref. Ordinance 854 adopted February 11, 2008)

Delete 105.1.2

Delete in its entirety and replace with the following:

105.1.2. Enforcement of State Requirements. All contractors applying for permit whose contract exceeds \$25,000 must provide a company name, current state license number, the state assigned license limit, and the state assigned classification to the Inspections Department prior to a permit being issued. All contractors performing work on residential structures, as defined by the State, whose contract is more than \$3,000 and less than \$25,000, must be licensed by the State as a Home Improvement Contractor and provide to the Inspections Department the company name and the current state license number prior to a permit being issued. All owners and/or contractors must provide evidence of workman's compensation coverage, or an affidavit of exemption as required by Tennessee Code Annotated, 13-7-211 (a), prior to the permit being issued. Nothing in this section shall prohibit an owner from securing a permit, without a licensed contractor, provided they fall within the exceptions as defined by Tennessee Code Annotated, 13-7-211 (e) (2).

Modify 105.2 (2): Delete the phrase "not over 7 ft. high"

Modify 105.2 (12): Delete the phrase "in Group R-3 and U occupancies"

Delete 106: Delete in its entirety

Modify 107.1: by adding the following:

All drawings and specifications for buildings and structures to be used by the general public, including any structure intended for overnight or short term rental shall bear the seal of an architect or engineer registered in the State of Tennessee. This section shall also apply to structures located in areas with a zoning designation that permits overnight rentals, unless the property owner provides a notarized affidavit that the structure will be used for his/her

own personal residence. (Ref. Ordinance No. 403 adopted November 27, 1989)

- Modify 107.2.5: Delete in its entirety and replace with the following:  
107.2.5 Site Plan. Any project submitted for review under this code which involves the erection of a new building, enlargement of an existing building, or a change in use, occupancy type, or occupant load shall have received a site plan approval from the Pigeon Forge Regional Planning Commission or documentation from planning staff that site plan approval is not needed.
- Modify 109.6: Delete in its entirety and replace with the following:  
109.6 Refunds. Permit fees are non-refundable.
- Add 110.1.1 110.1.1 Inspections. It shall be the responsibility of the owner, contractor, builder, and/or other party in charge of construction to ensure that all installations not visible to the inspector at the time of inspection meet the requirements of this code.
- Delete 111.2: Delete in its entirety
- Delete 111.3: Delete in its entirety
- Modify 111.4: Re-number to 111.2
- Modify 112: Delete in its entirety and replace with the following:  
112.1 Connection of service utilities. No person shall make permanent connection to a utility water or sewer service to any building or system that is regulated by this code for which a permit is required, until released by the building official and or a certificate of occupancy is issued.  
112.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility water or sewer service for the purpose of testing etc. for one or more 45 day periods. If at the end of the temporary connection period required permits have not received an approved final inspection and or certificate of occupancy the building official may order the disconnection of water or sewer service.  
112.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced. The building official shall notify the serving utility, and wherever possible the owner and/or occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building,

structure or service system shall be notified in writing, as soon as practical thereafter.

- Modify 202: The following definition shall be added:  
**OVERNIGHT RENTAL/TRANSIENT RENTAL HOME.** Structures/units used for sleeping purposes providing complete independent living facilities including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation occupied for thirty (30) days or less where occupants are primarily transient. An overnight rental may also be referred to as a Transient Rental Home ("TRH") (See also definition for "TRANSIENT")
- Modify 310.3 Residential Group R-1: Modify by adding:  
 Overnight/Transient Rental Homes that have either more than 5 sleeping rooms, have a total gross area of more than 5,000 square feet, more than 3 stories, or that have sleeping accommodations for more than 12 occupants.  
 These occupancies shall meet the requirements for R-1 occupancies in regard to sprinkler systems, number of exits, and guardrail heights.
- Modify 903.2.8.1 Group R: Modify by adding the following:  
 Exception: Detached One and Two Family Dwellings
- Modify 1003.5: Add Groups R-1 and B to Exception 1.
- Modify 1004.3: Modify by deleting this section in its entirety.
- Modify 1009: By deleting Sections 1009.1 through 1009.11 in their entirety and adding the following:  
 1009.1 Accessible Means of Egress. See Chapter 11 for accessible means of egress requirements.
- Modify 1010.1.6: By deleting the last sentence and replacing it with:  
 Landings shall have a length measured in the direction of travel of not less than the width of the door.
- Modify 1010.1.9.3: By deleting exception 2 and replacing it with:  
 2. In buildings in occupancy Group A having an occupant load of 300 or less, Groups B, F, M and S, and in places of religious worship, the main door or doors are permitted to be equipped with locking devices/deadbolts operable without a key, (e.g. thumb turn type mechanisms) from the egress side.
- Modify 1014.6: Add the following exception:  
 4. Handrail extensions are not required in areas where they would create an impact hazard to occupants or impede the path of egress.
- Modify 1016.2 (5)(2): Add the following:

2.5. There is a demarcated minimum 44 inch-wide aisle defined by permanent marking on the floor leading from the retail area to the exit.

Modify chapter 11: Chapter 11 shall be amended by deleting in its entirety and replacing with the following:

Chapter 11. ACCESSIBILITY FOR PEOPLE WITH DISABILITIES 1101.1 General. The provisions of Tennessee Code Annotated 68-120-204 shall establish the requirements for this chapter. Reference Ordinance number 799, June 12, 2006

Modify 1207: Modify by deleting sections 1207.1 through 1207.3 in their entirety and replace with the following:

1207.1 Scope. It shall be the responsibility of the design professional, owner, contractor, and/or developer to ensure that sound transmission is kept to a minimum between adjacent dwelling units and adjacent public areas such as halls, corridors, stairs or service areas.

Modify 1301.1: Modify by adding the following:

1301.1.2 Responsibility. It shall be the responsibility of the design professional, owner, contractor, and/or developer to ensure that the requirements of section 1301.1.1 are adhered to.

Modify 1405.11.4 by deleting in its entirety and replacing with the following:

1405.11.4 Grounding. Grounding of metal veneers on buildings shall comply with the requirements of the Electrical Code edition adopted by the Tennessee State Fire Marshall's Office (SFMO) and enforced by the Tennessee Deputy State Fire Marshall Electrical Inspector.

Add 1601.2: 1601.2 Responsibility. It shall be the responsibility of the design professional, contractor, and/or owner supplying the construction documents to design and ensure that the requirements of this chapter are adhered to.

Delete 1703 in its entirety and replace with the following:

Section 1703 Approvals

1703.1. Approved Agency. An approved agency shall have a person in responsible charge of that agency that is licensed by the State of Tennessee as an architect or engineer. The approved agency shall provide the building official with a summary report verifying all required tests and inspections which they have monitored.

Modify 1704.2 by deleting the phrase "other than the contractor"

Modify 1704.5 by adding the following exception:

Exception. A summary report to the building official from the approved agency may be accepted in lieu of the items listed in this section.

Modify 1705.1.1 by adding the following:

1705.1.1 (4) Work that is outside the limits of availability of the building officials presence, or that in the judgement of the building official is needed.

Modify 2701.1: Modify by deleting section 2701.1 in its entirety and replacing it with the following:

2701.1 Scope. This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code.

Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the City of Pigeon Forge Municipal Code title 12, chapter 3 and subsequent amendments thereto.

Modify 2801.1 Modify by deleting section 2801.1 in its entirety and replacing it with the following:

2801.1 Scope. This chapter governs the Mechanical components, equipment and systems used in buildings and structures covered by this code. Mechanical components, equipment and systems shall be designed and constructed in accordance with the provisions of the City of Pigeon Forge Municipal Code title 12, chapter 9 and subsequent amendments thereto.

Modify Chapter 29. Chapter 29 shall be deleted in its entirety and replaced with the following:

Chapter 29 Plumbing Systems Section 2901 General [P]  
2901.1 Scope. This chapter governs the plumbing components, equipment and systems used in buildings and structures covered by this code. Plumbing components, equipment and systems shall be designed and constructed in accordance with the provisions of the City of Pigeon Forge Municipal Code title 12, chapter 2 and subsequent amendments thereto.

Modify 3301.1 by adding the following:

3301.1.1 It shall be the sole responsibility of the owner and or contractor to ensure that the provisions of this chapter and public safety are adhered to.

(2) The text of the 2015 International Residential Code shall be amended in the following manner:

Modify R101.1: The phrase "[NAME OF JURISDICTION]" shall be changed to "City of Pigeon Forge" in all instances in this code.

Modify R101.2: by adding Exception 3:

3. Detached one- and two-family dwellings and townhouses with a separate means of egress used or zoned for use as an overnight rental with either more than 5 sleeping rooms, a total gross area of more than 5,000 square feet, more than 3 stories, or that have sleeping accommodations for more than 12 occupants shall meet the requirements for R-1 occupancies in regard to sprinkler systems, number of exits, and guardrail heights.

Add R102.8: R102.8. Quality Control. Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

Modify R105.1: Section R105.1 shall be amended by deleting the words "electrical" and "gas."

Add R105.1.1: R105.1.1. Issuance of Building Permit. The building inspector may issue a foundation only permit, for new construction or new additions prior to the receipt of a certified footer survey, but the applicant will be proceeding at his own risk in accordance with the terms of section 106.3.3 of this code. Prior to receiving a building permit for any above ground construction, the applicant shall submit said certified footer survey indicating the location and extent of the proposed building or addition (including decks, etc.) in relation to property lines, rights-of-way and setback lines. The applicant shall also supply such other information as may be required by the building inspector for determining whether the provisions of the ordinances of the City of Pigeon Forge are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of the ordinances of the City of Pigeon Forge, the building inspector shall issue a building permit for such excavation or construction. (Ref. Ordinance 854 adopted February 11, 2008)

Add R105.1.2: R105.1.2 Enforcement of State Requirements. All contractors whose contract exceeds \$25,000 must provide a company name, current state license number, the state assigned license limit, and the state assigned classification to the Inspections Department prior to a permit being issued. All contractors performing work on residential structures, as defined by the State, whose contract is more than \$3,000 and less than \$25,000, must be licensed by the State as a Home Improvement Contractor and provide to the Inspections Department the company name and the current state license number prior to a permit being issued. All owners and/or contractors must provide evidence of

workman's compensation coverage, or an affidavit of exemption as required by Tennessee Code Annotated 13-7-211 (a), prior to the permit being issued. Nothing in this section shall prohibit an owner from securing a permit, without a licensed contractor, provided they fall within the exceptions as defined by Tennessee Code Annotated 13-7-211 (e) (2).

Modify R105.2: Section R105.2 shall be amended by:  
Under "Building" "item (2)" delete the words "not over 7 feet high."

Modify R105.5 by deleting the words "in writing".

Add R105.10: R105.10 Permitting and Inspection. The inspection or permitting of any building or plan by any jurisdiction, under the requirements of this Code, shall not be construed in any court as a warranty of the physical condition of such building or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

Modify R106.1: Section R106.1 shall be amended by adding the following:  
All drawings and specifications for buildings and structures to be used by the general public, including any structure intended for overnight or short term rental shall bear the seal of an architect or engineer registered in the State of Tennessee. This section shall also apply to structures located in areas with a zoning designation that permits overnight rentals, unless the property owner provides a notarized affidavit that the structure will be used for his/her own personal residence. (Ref. Ordinance No. 403 adopted November 27, 1989)

Modify R106.3.1: Section R106.3.1 shall be amended by deleting the words "that states REVIEWED FOR CODE COMPLIANCE."

Delete R107.3: Section R107.3 shall be deleted in its entirety

Modify R108.5: Delete in its entirety and replace with the following:  
R108.S Refunds. Permit fees are non-refundable.

Add R109.1.7: It shall be the responsibility of the owner, contractor, builder, and/or other party in charge of construction to ensure that all requirements of this code not visible to the inspector at the time of the standard inspections are adhered to.

Delete R110.3: Delete in its entirety.

Delete R110.4: Delete in its entirety.

- Modify R110.5: Re-number to 110.3.
- Modify R202: The following definition shall be added:  
OVERNIGHT RENTAL/TRANSIENT RENTAL HOME.  
Structures/units used for sleeping purposes providing complete independent living facilities including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation occupied for thirty (30) days or less where occupants are primarily transient. An overnight rental may also be referred to as a Transient Rental Home ("TRH")
- Delete R309.5: Delete section in its entirety
- Modify R311.7.8.1 by adding the following Exception 3.:  
3. Where the top of a rail or guard also serves as the handrail the height is permitted to be 43 inches above the stair nosing.
- Modify R311.7.8.2 by deleting the sentence  
"Handrail ends shall be returned or shall terminate in newel posts or safety terminals."
- Modify R311.7.8.3 by adding the following exception:  
Exception. The framing member forming the top of a rail or guard may be used as a handrail.
- Modify R313.1 by adding  
"having three or more connected units".
- Delete R313.2. Delete in its entirety pursuant to T.C.A. 68-102-101(a)(8)
- Modify R319. by deleting the sentence  
"Each character shall be not less than 4 inches in height with a stroke width of not less than 0.5 inch."
- Modify R322.1.6 [Exception]:  
Section R R322.1.6 Exception shall be amended by deleting the sentence "Electrical wiring systems are permitted to be located below the design flood elevation provided they conform to the provisions of the electrical part of this code for wet locations," and replacing it with the sentence "Electrical wiring systems are permitted to be located below the design flood elevation provided they conform to the provisions of the electrical code adopted and enforced by the deputy state electrical inspector for wet locations."
- Delete R326: Delete in its entirety
- Modify R403.1.7: by adding the following:  
Exception: Footings and foundations designed by a registered professional architect or engineer licensed to practice in the state of Tennessee.
- Modify N1101.1 by adding the following exception:

Exception: As an alternative to this chapter the energy conservation code specified in the Rules of TN Department of Commerce and Insurance - Division of Fire Prevention Chapter 0780-02-23.02(b)(l) and it's amendments may be used.

Modify N1101.5 by adding the following exception:

Exception: Submittals deemed acceptable by the plans examiner.

Modify Table 1102.1.2 footnote (a) by adding the following sentence:

Log walls with a minimum average wall thickness of 5 inches or greater shall be permitted in zone 4.

Modify G2401.1 by adding item (7):

7. All installations of natural gas piping, venting, and appliances shall be permitted and inspected by the utility supplying the service. Evidence of an approved final inspection from the accepted agency shall be provided to the building inspector prior to or at the time of issuance of the certificate of occupancy.

Modify P2904.1.1 by deleting the first sentence and replacing it with:

Sprinklers when provided shall be installed to protect all areas of a dwelling unit.

Delete Chapters 34 through 43 and replace with:

Chapter 34 Electrical Requirements

Section E 3401 General

3401.1 Applicability. The provisions specified in the Rules of TN Department of Commerce and Insurance - Division of Fire Prevention Chapter 0780-02-01 shall establish the scope of the electrical system and equipment requirements of this code. Evidence of an approved final inspection from the TN Deputy Electrical Inspector shall be provided to the building inspector prior to or at the time of issuance of the certificate of occupancy. (1979 Code, § 4-102, as amended by Ord. #487, April 1995, Ord. #645, Dec. 2000; Ord. #752, Feb. 2005; and Ord. #799, June 2006, replaced by Ord. #878, Nov. 2008, amended by Ord. #880, Nov. 2008, Ord. #909, July 2010, and Ord. #913, Sept. 2010, and replaced by Ord. #1018, June 2016)

**12-103. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-103, modified)

**12-104. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1979 Code, § 4-104)

**CHAPTER 2**

**PLUMBING CODE<sup>1</sup>**

**SECTION**

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

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the municipal water or sewerage system, the International Plumbing Code,<sup>2</sup> 2015 edition as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1979 Code, § 4-201, as amended by Ord. #487, April 1995, modified, amended by Ord. #645, Dec. 2000, Ord. #878, Nov. 2008, and replaced by Ord. #1018, June 2016)

**12-202. Modifications.** The text of the 2015 International Plumbing Code shall be amended in the following manner:

- Modify 101.1: The phrase "[NAME OF JURISDICTION]" shall be changed to "the City of Pigeon Forge" in this section and all subsequent occurrences.
- Modify 105.1: by deleting the last sentence of this section.
- Modify 105.2: by deleting the last sentence of this section.
- Modify 106.5.1: by deleting the phrase "APPROVED".
- Modify 106.6.2: Delete in its entirety and replace with the following:  
106.6.2 Fee Schedule. A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.
- Modify 106.6.3: Delete in its entirety and replace with the following:  
106.6.3. Refunds. Permit fees are non-refundable.

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<sup>1</sup>Municipal code references

- Cross connections: title 18.
- Street excavations: title 16.
- Wastewater treatment: title 18.
- Water and sewer system administration: title 18.

<sup>2</sup>Copies of this code may be purchased from the International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, IL 60478-5771.

Modify 109.2 thru 109.2.6: Delete these sections in their entirety and replace with the following:

109.2 Membership of board. The board of appeals shall consist of the members designated as the building board of adjustments and appeals.

Modify 202 (DRINKING FOUNTAIN): by deleting the last sentence

Modify Table 403.1- Note e: by changing the number 15 to 50

Modify 404.2: by replacing "ICC A117.1" with "TCA 68-120-204"

Modify 607.5: by deleting in its entirety.

Modify 1003.3.6: by adding the sentence

"In no case shall the grease interceptor capacity be less than specified by the City of Pigeon Forge Utility Superintendent." (1979 Code, § 4-202, as replaced by Ord. #878, Nov. 2008, and Ord. #1018, June 2017)

**12-203. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-203, modified)

**12-204. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1979 Code, § 4-204)

**CHAPTER 3****ELECTRICAL CODE**<sup>1</sup>**SECTION**

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.

**12-301. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>2</sup> 1999 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1979 Code, § 4-301, as amended by Ord. #487, April 1995, and Ord. #645, Dec. 2000)

**12-302. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-302, modified)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within the city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1979 Code, § 4-303)

**12-304. Violations.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1979 Code, § 4-304)

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<sup>1</sup>Municipal code references  
Fire protection, fireworks and explosives: title 7.

<sup>2</sup>Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

**12-305. Enforcement.** The electrical inspector shall be such person as the city manager shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1979 Code, § 4-305)

**12-306. Fees.** The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1979 Code, § 4-306)

## CHAPTER 4

### GAS CODE<sup>1</sup>

#### SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

**12-401. Title and definitions.** This chapter and the code herein adopted by reference shall be known as the gas code of the city and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the city manager.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1979 Code, § 4-401)

**12-402. Purpose and scope.** The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 1.

installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel Gas Code,<sup>1</sup> 2000 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1979 Code, § 4-402, as amended by Ord. #487, April 1995, modified, as amended by Ord. #645, Dec. 2000, and Ord. #648, April 2001)

**12-403. Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1979 Code, § 4-403)

**12-404. Bond and license.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1979 Code, § 4-404)

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

**12-405. Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city manager. (1979 Code, § 4-405)

**12-406. Powers and duties of inspector.** (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the city fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1979 Code, § 4-406)

**12-407. Permits.** (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1979 Code, § 4-407)

**12-408. Inspections.** (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1979 Code, § 4-408)

**12-409. Certificates.** The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1979 Code, § 4-409)

**12-410. Fees.** (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspections) shall be \$1.50 for one to four outlets, inclusive, and \$0.50 for each outlet above four.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1979 Code, § 4-410)

**12-411. Violations and penalties.** Section 107 of the gas code is hereby deleted. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1979 Code, § 4-411)

**12-412. Nonliability.** This chapter shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation

thereof, nor shall the city, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1979 Code, § 4-412)

**CHAPTER 5****HOUSING CODE****SECTION**

12-501. Housing code adopted.

12-502. Available in recorder's office.

12-503. Violations.

**12-501. Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,<sup>1</sup> 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1979 Code, § 4-501, as amended by Ord. #487, April 1995, modified, as amended by Ord. #645, Dec. 2000)

**12-502. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-503, modified)

**12-503. Violations.** It shall be unlawful for any person to violate or fail to comply with any provisions of the housing code as herein adopted by reference and modified. (1979 Code, § 4-504)

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

## CHAPTER 6

### MODEL ENERGY CODE<sup>1</sup>

#### SECTION

- 12-601. Model energy code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violation and penalty.

**12-601. Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code<sup>2</sup> 1995 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (as amended by Ord. #648, April 2001)

**12-602. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Pigeon Forge. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the energy code.

**12-603. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

**12-604. Violation and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 7

SWIMMING POOL CODE<sup>1</sup>

## SECTION

12-701. Swimming pool code adopted.

12-702. Available in recorder's office.

12-703. Violations.

**12-701. Swimming pool code adopted.** Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516, the Standard Swimming Pool Code<sup>2</sup>, 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the swimming pool code. This code is adopted for the purpose of protecting the public health, safety, and welfare by prescribing and enforcing minimum standards for the design, construction, installation, repair, or alteration of swimming pools, public or private, and equipment related thereto. (1979 Code, § 4-701, as amended by Ord. #487, April 1995, modified, as amended by Ord. #645, Dec. 2000)

**12-702. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502 one (1) copy of the swimming pool code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-702)

**12-703. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the swimming pool code as herein adopted by reference and modified. (1979 Code, § 4-703)

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

**CHAPTER 8****UNSAFE BUILDING ABATEMENT CODE****SECTION**

12-801. Unsafe building abatement code adopted.

12-802. Modifications.

12-803. Available in recorder's office.

12-804. Violations.

**12-801. Unsafe building abatement code adopted.** Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, the Standard Unsafe Building Abatement Code<sup>1</sup>, 1985 edition as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (1979 Code, § 4-601, as amended by Ord. #487, April 1995, modified, as amended by Ord. #648, April 2001)

**12-802. Modifications.** Wherever the unsafe building abatement code refers to the "Building Official" it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the unsafe building abatement code. Wherever the "Board of Adjustments and Appeals" is referred to it shall mean the "Board of Adjustments and Appeals" heretofore appointed to assist with administering the building code. (1979 Code, § 4-602)

**12-803. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the unsafe building abatement code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-603)

**12-804. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the unsafe building abatement code as herein adopted by reference and modified. (1979 Code, § 4-604)

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

**CHAPTER 9**

**MECHANICAL CODE<sup>1</sup>**

**SECTION**

- 12-901. Mechanical code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.

**12-901. Mechanical code adopted.** The City of Pigeon Forge hereby adopts the International Mechanical Code<sup>2</sup>, 2015 edition. (1979 Code, § 4-801, as amended by Ord. #487, April 1995, Ord. #645, Dec. 2000, Ord. #878, Nov. 2008, and Ord. #1018, June 2016)

**12-902. Modifications.** The text of the 2015 International Mechanical Code shall be amended in the following manner:

- Modify 101.1: The phrase "[NAME OF JURISDICTION]" shall be changed to "the City of Pigeon Forge" in this section and all subsequent occurrences.
- Modify 106.5.2: Delete in its entirety and replace with the following:  
106.5.2 Fee Schedule. A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.
- Modify 106.5.3: Delete in its entirety and replace with the following:  
106.5.3 Refunds. Permit fees are non-refundable.
- Modify 109.2 thru 109.2.6: Delete these sections in their entirety and replace with the following:  
109.2 Membership of board. The board of appeals shall consist of the members designated as the building board of adjustments and appeals. (as added by Ord. #878, Nov. 2008, and replaced by Ord. #1018, June 2016)

**12-903. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #878, Nov. 2008)

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<sup>1</sup>Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

<sup>2</sup>Copies of these codes may be purchased from the International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, IL 60478-5771.

**CHAPTER 10****AMUSEMENT DEVICE CODE****SECTION**

- 12-1001. Amusement code adopted.
- 12-1002. Operator driven safety equipment required.
- 12-1003. Liability insurance required.
- 12-1004. Penalties.

**12-1001. Amusement code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506 the Standard Amusement Device Code, 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the amusement code. (1979 Code, § 5-801, as amended by Ord. #487, April 1995, modified, as amended by Ord. #645, Dec. 2000)

**12-1002. Operator driven safety equipment required.** Standard operator safety equipment, including but not limited to, helmets and restraining devices shall be required when the ride is driven independently by the operator. (1979 Code, § 5-802)

**12-1003. Liability insurance required.** The owner or operator of any such amusement device covered by this ordinance shall furnish to the city satisfactory evidence that a public liability insurance policy in the amount of not less than two hundred thousand dollars (\$200,000) is in force and effect. (1979 Code, § 5-803)

**12-1004. Penalties.** Any person, firm or corporation found to be in violation of this chapter shall be subject to the penalties provided for in the adopting ordinance of this code. (1979 Code, § 5-804)

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.  
 13-102. Smoke, soot, cinders, etc.  
 13-103. Weeds and unlawful accumulations of trash, etc.  
 13-104. Dead animals.  
 13-105. Health and sanitation nuisances.

**13-101. Health officer.** The "health officer" shall be such city, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1979 Code, § 8-101)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1979 Code, § 8-104)

**13-103. Weeds and unlawful accumulations of trash, etc.** It shall be unlawful for any owner of lots or tracts of land in the City of Pigeon Forge to allow weeds, brush, grass, or undergrowth to grow, stand, pile up, accumulate, or remain on premises in such manner as to constitute a fire hazard or a menace to the public health.

It shall be unlawful to allow cans, trash, junk, scraps, and other such matter to accumulate or remain on lands in such manner as to become or be a harborage or breeding grounds for mosquitoes, flies, rats, mice, or insects.

The chief of the volunteer fire department shall have authority to declare any such condition a hazard or menace. He shall certify to the city commission

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

that such condition does exist and shall identify the lot, lots, or tract of land in question.

The city commission may, after receiving said certification by the fire chief, send a notice to the owner of the property that the condition must be corrected within ten (10) days. The notice shall be mailed to the last known address of the owner as shown in the realty tax record of the city, or, if no other address of the owner is shown on the tax record, a letter shall be mailed to said owner at "General Delivery," Pigeon Forge, Tennessee, or the city commission may give notice by having a printed notice posted on the premises.

In the event the condition has not been corrected on or before ten (10) days after notification, the city commission shall be empowered to have the street superintendent effect correction of the condition that is in violation of this chapter. The superintendent shall submit to the city recorder an estimate of the cost.

The city recorder shall add the cost estimate submitted by the street superintendent plus a fee of ten dollars (\$10.00) to the realty tax of the land owner and this cost and fee, in like manner as the realty tax, shall become and be a lien upon the property, collectible in the same manner and due at the same time as the realty tax for the year in which said cost and fee was assessed. (1979 Code, § 8-105)

**13-104. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1979 Code, § 8-106)

**13-105. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1979 Code, § 8-107)

**CHAPTER 2****JUNKYARDS****SECTION**

## 13-201. Junkyards.

**13-201. Junkyards.**<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

(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 to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1979 Code, § 8-108)

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<sup>1</sup>State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

## TITLE 14

### ZONING AND LAND USE CONTROL

#### CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. TRAILERS AND PORTABLE BUILDINGS.
4. OUTDOOR ADVERTISING SIGNS.
5. FLOOD DAMAGE PREVENTION ORDINANCE.
6. TOURIST ORIENTED DIRECTIONAL SIGNS.

#### CHAPTER 1

### MUNICIPAL PLANNING COMMISSION

#### SECTION

- 14-101. Creation and membership.  
14-102. Organization, powers, duties, etc.  
14-103. Environmental review board.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other five (5) members shall be appointed by the city manager. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the city manager shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the city manager. (1979 Code, § 11-101)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1979 Code, § 11-102)

**14-103. Environmental review board.** An Environmental Review Board shall hereby be created and empowered to review, recommend and assist in enforcement of noise standards in regard to existing and proposed commercial/industrial uses. This board shall be composed of five members, with experience in construction, noise abatement, environmental engineering, architecture, or similar areas of expertise. Each member shall be appointed for staggered terms and may be reappointed. The Environmental Review Board shall hold meetings at the request of the planning commission, city commission, mayor, or city manager on an as needed basis.

The duties of the board are to: Review site plans referred from the planning commission to determine noise impact, mitigation measures, construction design, or abatement measures to insure site plan conformance to zoning and noise standards in the municipal code. All decisions are advisory; review noise problems on existing establishments and make recommendations on readings, abatements measures, or construction standards to reduce noise impact. Recommendations shall be made to the owner, leasor, police department, city attorney, mayor and city manager.

The Environmental Review Board may hire, by approval of city manager and/or city council, experts to assist its review. It may also require the developer to provide additional information to the planning commission in regard to site plans involving new construction, remodeling, or additions of commercial or industrial uses. (1979 Code, § 11-103)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

14-201. Land use to be governed by zoning ordinance.

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Pigeon Forge shall be governed by Ordinance Number \_\_, titled "Zoning Ordinance, Pigeon Forge, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance No. \_\_\_\_, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## CHAPTER 3

### TRAILERS AND PORTABLE BUILDINGS

#### SECTION

14-301. Legislative findings.

14-302. Definitions.

14-303. Parking, location, or occupancy restricted.

14-304. Permit required for trailer camp; application for permit.

14-305. Requirements for trailer camps.

14-306. Violations.

**14-301. Legislative findings.** The board of commissioners does hereby legislatively find:

(1) That the unregulated use and occupancy of portable buildings, trailers, and trailer camps constitutes a public nuisance in that the same creates hazardous conditions with respect: to fire prevention and to the health of the community.

(2) That the unregulated use and occupancy of portable buildings, trailers, and trailer camps, as herein defined, is detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the city and that it is necessary to exercise the general police powers of the city in the adoption of this chapter. (1979 Code, § 8-601)

**14-302. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Portable building." The term "portable building" shall mean any small, compact structure, similar to a trailer, intended for or capable of human habitation, mounted on skids or otherwise so constructed that it is capable of being readily moved from one location to another without change in structure or design except for foundation or method of support.

(2) "Trailer." The term "trailer" shall mean any structure intended for or capable of human habitation, mounted, or designed for mounting, upon wheels or capable of being mounted on wheels and of being driven, propelled, or towed from place to place without change in structure or design, regardless of whether such structure is actually mounted on wheels or whether the same is placed on a temporary or permanent foundation; provided, that this definition shall not include a structure or car used exclusively upon fixed tracks or rails.

(3) "Trailer camp." The term "trailer camp" shall mean any site, privately or publicly owned or operated, upon which two or more trailers used for living, eating, or sleeping quarters are, or are intended to be, located, whether operated for or without compensation. (1979 Code, § 8-602)

**14-303. Parking, location, or occupancy restricted.** It shall be unlawful and a misdemeanor for any person to park, locate, or occupy any trailer or portable building, for the purpose of advertising, residing, or transacting business therein, on any street, lot, or parcel of land within the city outside a duly permitted trailer camp as hereafter provided. However, this provision shall not be applicable to prefabricated dwellings or structure kits approved by the standard building code compliance listing; temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction; or customary accessory storage buildings in approved residential locations. (1979 Code, § 8-603)

**14-304. Permit required for trailer camp; application for permit.** Any person desiring to install and operate a trailer camp within the City of Pigeon Forge shall make application to the city manager for a permit for said trailer camp. Said application shall be accompanied by a sketch or plan drawn to scale showing the number and arrangement of trailer lots, roadways, water supply, water outlets, location and type of sewage, liquid, and garbage disposal and the location of the buildings for toilets, baths, laundries, and other facilities. The city manager may issue a permit for the installation and operation of said trailer camp if the application therefor meets the requirements of this chapter. (1979 Code, § 8-604)

**14-305. Requirements for trailer camps.**

(1) Location restricted. No trailer camp shall be located in a known area of mosquito breeding and each trailer site shall be well drained to avoid pools of water. All trailer camps must be located in an industrial and/or commercial zone according to the zoning ordinance of the city.

(2) Requirements as to lots. The lot for each trailer shall be plainly staked off or marked, and each lot shall have an area of not less than eight hundred (800) square feet. No two trailers shall be parked closer than ten (10) feet of each other. At least a twenty-foot roadway shall be provided between each block of lots.

(3) Water to be provided. An adequate supply of water under pressure, from a source and of a quality approved by the Tennessee Department of Health, shall be provided in all trailer camps. There shall be a water outlet within twenty-five (25) feet of each trailer lot and in each shower room, washroom, laundry room, sink and night waste container washing facility.

(4) Toilet requirements. Approved flush toilets connected to an approved sewer or an approved septic tank shall be provided in the ratio of one toilet seat for each sex, for each ten trailer lots or fraction thereof, plus at least one urinal for each men's public toilet room. A minimum of three persons is assumed for each trailer with the sexes assumed equal in number. When not in use, the sewer connection shall be covered with a flytight cap or screen.

(5) Shower and lavatory requirements. Public shower nozzles and lavatories shall be provided in the same ratio as toilet seats, and shall be supplied with an adequate quantity of hot water. Shower rooms shall be provided with two sets of slatted walkways.

(6) Disposal of liquid wastes. Liquid wastes from showers, sinks, hoppers, laundry rooms and lavatories shall be piped to an approved sewer.

(7) Disposal of dishwater. If cooking is done in any trailer which is not provided with a sewer connection and sink, a hopper, kitchen or laundry sink shall be provided within one hundred fifty feet of all such lots for the disposal of dishwater. The facilities for disposal of dishwater, and the hopper for the disposal of night wastes and the washings from night waste containers, shall be separate.

(8) Disposal of night waste. If trailers do not have inside toilets which are connected to a sewer, a hopper for the disposal of night waste, which is connected to a sewer, shall be provided within one hundred fifty feet of all such trailer lots. Provisions for washing night waste containers shall also be provided and the wash water from these shall be conducted into an approved sewer or septic tank.

(9) Laundry room to be provided. A laundry room with adequate laundry trays, tubs or washing machines and adequate facilities for heating water shall be provided.

(10) Flytight metal cans to be provided. A flytight metal can shall be provided by each trailer camp for each trailer lot.

(11) Requirements as to administration and operation. The camp shall be under the supervision to a caretaker who shall be responsible for the maintenance of physical equipment; for cleanliness of the grounds, surroundings, toilets, showers, lavatories and laundry facilities; and for the general conduct of the camp operation. All contact surfaces (sinks, toilets, and showers) shall be washed daily, then disinfected with a two per cent U.S.P. cresol solution, 200 P.P.M. chlorine solution, or an equivalent disinfectant, and dried.

A complete and permanent register shall be kept at the trailer camp, listing car license number and state, names, age and sex of occupants of each trailer, and dates of admission and departure from the camp. The city manager shall be notified immediately of communicable diseases in camp. (1979 Code, § 8-605)

**14-306. Violations.** Any person violating any provisions of this chapter shall be guilty of a misdemeanor. In addition to any penalty which may be assessed judicially under the general penalty clause for this municipal code, the city manager is expressly authorized to institute suits in the name of the city, in any court of competent jurisdiction, to enforce compliance herewith by injunctive process. (1979 Code, § 8-606)

## CHAPTER 4

### OUTDOOR ADVERTISING SIGNS<sup>1</sup>

#### SECTION

- 14-401. Legislative findings.
- 14-402. Permit required.
- 14-403. Approval by the city manager.
- 14-404. Flashing signs prohibited.
- 14-405. Outdoor billboards.
- 14-406. Removal of unlawful signs.
- 14-407. Injunctions.
- 14-408. Inspection of signs.
- 14-409. Advertising on U. S. Highway 441 right of way.

**14-401. Legislative findings.** The Board of Commissioners of the City of Pigeon Forge does hereby legislatively declare and find:

(1) That the City of Pigeon Forge is primarily a tourist resort city of under 5,000 permanent population, but that each year there is attracted to said city many thousands of tourists and visitors.

(2) That the influx of many thousands of tourists and visitors creates a hazard to the safety and movement of both pedestrian and motor vehicle traffic within the city requiring precautionary measures to protect the welfare of the general public.

(3) That the unregulated construction of outdoor advertising signs endangers the lives and safety of inhabitants with respect to fire prevention and traffic movement in that debris and rubbish tends to be deposited around certain types of signs, creating fire hazards, and that the unregulated use of outdoor advertising signs tends to interfere with proper observation of traffic signs.

(4) That unregulated construction and erection of outdoor advertising signs constitutes a public nuisance detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the City of Pigeon Forge, and the board of commissioners desires to regulate by this chapter the construction and erection of such outdoor advertising signs in the exercise of its police powers. (1979 Code, § 5-501)

**14-402. Permit required.** It shall be unlawful for any person hereafter to construct or erect any permanent-type outdoor advertising sign, display, or billboard within the corporate limits of the City of Pigeon Forge until a permit

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<sup>1</sup>Municipal code reference:

Tourist Oriented Directional Signs: title 14, chapter 6.

in writing, authorizing the signs, has been issued by the city manager. (1979 Code, § 5-502)

**14-403. Approval by the city manager.** Before the permit required by the preceding section is issued, complete plans and specifications giving the construction, methods of support, and the materials to be used shall be submitted to the city manager along with a certificate, by a licensed architectural engineer, stating that the requirements of the city's building code<sup>1</sup> have been met. (1979 Code, § 5-503)

**14-404. Flashing signs prohibited.** (1) It shall hereafter be unlawful to construct, erect, place or operate any outdoor advertising sign or outdoor display as defined in section 3108.1.1 of the city's building code which flash, blink or turn off and on or rotate by electric current at regular or irregular intervals provided however, that this section shall not apply to time and temperature devices which alternately show time and temperature readings when such time and temperature devices are installed in accordance with the specifications set forth herein. Said provisions shall further not apply to electronic signs which display motion pictures or still pictures through LCD or other similar technology provided they are installed and operated for said on-premise business, and/or on-premise business situated in a C-5 or C-7 zoning district in accordance with the following specifications:

(a) Maximum overall size for motion picture or still screen--one hundred (100) square feet provided however that the maximum overall size for the motion picture or still screen of a monument sign of at least five hundred (500) square feet situated within a C-5 or C-7 zoning district shall be two hundred fifty (250) square feet provided further there shall be no more than two (2) monument signs situated in any C-5 or C-7 zoning district.

(b) Minimum time, dwell time for flashing letters or images (lighting period of letters or images)--one (1) second.

(c) Interval between time/temperature if utilized to be continuous; maximum interval--one-half (1/2) second.

(d) No other advertising lettering or display permitted except for the business premise on which the sign is erected.

(e) Construction to be at least of metal and frame and installation to meet city's building code wind loading requirements.

(f) A permit will be required before the installation of each device enumerated herein. The applicant shall present a set of plans meeting the above listed specifications as a condition for such permit.

(g) Sign devices under this subsection are also subject to all requirements of the Pigeon Forge Zoning Ordinance.

(h) Electronic sign devices allowed under this subsection are limited to one (1) per property and its use shall be restricted to

advertising the business located at said property, provided two (2) monument signs may be located at a C-5 or C-7 zoning district they advertise only businesses within said zone and said signs are at least five hundred (500) square feet.

(2) No business shall be permitted to construct, install, or operate more than one (1) portable sign in front of each business and such sign shall not exceed a dimension of six (6) feet by twelve (12) feet.

(3) This section shall apply to any ferris wheel, merry-go-round, or similar rotating amusement device when such device is at rest; provided, however, that any such amusement device which conforms to the requirements of this chapter when at rest shall not be deemed to be in violation when the device is in motion if said device is in compliance with the following conditions:

(a) No device on which lights are affixed may rotate at a speed greater than ten (10) seconds per complete revolution.

(b) Such ferris wheel, merry-go-round, or similar rotating amusement device must otherwise be lawfully operating as a business within the city, or by special temporary permit, if for charitable or nonprofit purposes.

(c) No other product or service shall be sold on the lot where said amusement device is operating except for candy, drinks, or trinkets of the variety customarily sold at fairs, circuses, or carnivals.

(d) The ferris wheel, merry-go-round, or other rotating amusement device must not be located closer than two hundred (200) feet to the building, office, or retail outlet of any other business, or closer than one hundred (100) feet to any lane of traffic on U.S. Highway 441.

(4) This section shall not apply to the candy striped rotating symbols of barber shops when such devices are not greater than twelve (12) inches in diameter nor more than three (3) feet tall.

(5) This section shall not apply to temporary displays, or other materials, not containing advertising, which are displayed during the time period each year designated as Smokey Mountain WinterFest Celebration. (1979 Code, § 5-504, as amended by Ord. #789, Feb. 2006, and Ord. #937, Feb. 2012)

**14-405. Outdoor billboards.** It shall here after be unlawful to erect any outdoor billboard or modify any outdoor billboard, which does not have an outdoor advertising device application approval issued by the Tennessee Department of Transportation on or before January 1, 2007, and which is herewith defined as a sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located, in any zoning district as defined in the Zoning Ordinance of the City of Pigeon Forge, Tennessee except as here after provided.

No off-premise advertising sign shall be allowed in any district after the effective date of this ordinance,<sup>1</sup> except as provided herein.

Along any principal arterial or major or minor collector on the "Major Thoroughfare Plan, Pigeon Forge, Tennessee," at its intersection with a road leading to a business which business shall not be located on said arterial or collector, only one (1) directional sign for said business may be located, said sign not to be located on a public right of way or public property except as provided hereinafter. Should designation of a street change in classification, directional signs made nonconforming by such change shall be allowed to continue no longer than one (1) year from the effective date of such change. It is the purpose of this section to encourage all businesses to use common signs so that there will be no confusing clusters of signs at intersections.

The following schedule is used to determine the area of such signs:

<u>Sign Advertizing</u>	<u>Square Footage</u>	<u>Maximum Height</u>
1 Business	9 square feet	8 feet
2 Businesses	18 square feet	10 feet
3 Businesses	27 square feet	15 feet
4 or more Businesses	36 square feet	20 feet
	PLUS AN ADDITIONAL 5 SQUARE FEET FOR EACH BUSINESS OVER 4, TO A TOTAL OF 85 SQUARE FEET.	

In a situation where property is not available at an intersection for the placing of off premise signs, the City of Pigeon Forge may permit the location of such signs within the right of way of a road, provided that the location of such sign will not interfere with traffic movement and sight distances. Where property is not available and an off-premise sign cannot be satisfactorily located within the adjoining right of way, such sign may be located at the closest available property to the appropriate intersection. For such signs, information may be provided to allow for sufficient directions to each individual business advertised on the sign.

No other information other than the name and nature of, distance to, and trademark for, each business shall be allowed on such sign. Arrows may be used on each sign to point the correct direction of each business.

In cases where any business, structure, location, place of enterprise, or other such attraction, which is listed on the National Historical Register, is desirous of locating an off-premises sun, the following guidelines and restrictions shall apply:

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<sup>1</sup>This provision was added by Ord. # 111 which became effective on June 14, 1976.

The restrictions for locating any such directional sign will be the same as explained herein above, with no more than one sign per business or attraction allowed. The size restrictions will be as follows:

Each such directional sign shall be single or double faced, with each of said faces not exceeding 3 feet by 18 feet, or 54 square feet. Maximum height shall be 25 feet above grade or street level with a minimum clearance of 8 feet below the face of the sign to ground level. (1979 Code, § 5-505; as amended by Ord. #797, May 2006, and Ord. #815, Dec. 2006)

**14-406. Removal of unlawful signs.** Whenever it shall appear to the city manager that any sign has been constructed or erected or is being maintained in violation of the terms of this chapter, or is unsafe or insecure, such sign shall either be made to conform with all sign regulations as provided by this chapter or shall be removed within forty-eight (48) hours after written notification thereof to the person or persons responsible therefor by the city manager. Such notice may be served personally or by registered mail. (1979 Code, § 5-506)

**14-407. Injunctions.** In addition to the other enforcement powers granted by law, the city manager is hereby authorized to make application to a court of competent jurisdiction in the name of the City of Pigeon Forge for writs of injunction to restrain violations of, or compel compliance with, the terms and provisions of this chapter. (1979 Code, § 5-507)

**14-408. Inspection of signs.** It shall be the duty of the city manager to inspect all outdoor advertising signs, displays, or billboards at least once annually. (1979 Code, § 5-508)

**14-409. Advertising on U.S. Highway 441 right of way.** It shall be unlawful for any person, partnership, or corporation to place advertising signs or devices of any description within sixty (60) feet of the white line of the outside traffic lane on the right of way of U.S. Highway 441 where said right of way equals three hundred (300) feet in the city. In areas within the city where the right of way is less than three hundred (300) feet, it shall be unlawful for any person, partnership, or corporation to place advertising signs or devices on the right of way of U.S. Highway 441.

Such advertising media shall include, but not be limited to signs of a portable or permanent nature or vehicles or trailers on which advertising signs are painted or mounted whose primary objective is the advertising of a business, product, or service.

This section is not intended to prohibit the normal movement in parking trucks or cars by the public in locations normally used for such parking.

It is not the purpose of this section to set aside or conflict with any state or federal law which may now exist or which may in the future be enacted in

observance of this section shall not relieve any person, partnership, or corporation from compliance with said state or federal law containing provisions more stringent than provisions of this section. (1979 Code, § 5-509)

**CHAPTER 5**

**FLOOD DAMAGE PREVENTION ORDINANCE**

**SECTION**

14-501. Flood damage control to be governed by flood damage prevention ordinance.

**14-501. Flood damage control to be governed by flood damage prevention ordinance.** Regulations governing flood damage control within the City of Pigeon Forge shall be governed by Ordinance #896, titled "Municipal Flood Damage Prevention Ordinance" and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #896, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## CHAPTER 6

### TOURIST ORIENTED DIRECTIONAL SIGNS

#### SECTION

14-601. Off-premise directional signage.

14-602. Rules and regulations for tourist oriented directional signs.

**14-601. Off-premise directional signage.** Off-premise directional signage is permitted only in accordance with the following rules and regulations. (Ord. #575, § 1, Sept. 1998)

**14-602. Rules and regulations for tourist oriented directional signs.** (1) Preface. (a) Tourist oriented directional signs (hereafter referred to as TODS) provide the traveling tourist to Pigeon Forge, Tennessee with attraction, service and business identification and directional information for establishments related to the tourists needs or interests. The scope of the TODS Program will be limited to the city's generically advertising for businesses who directly provide a direct service to tourists.

(b) The following rules and regulations set forth the criteria to be followed in the application, participation, construction and administration of the TODS Program. If questions arise in the interpretation of these rules and regulations, the City Commission of Pigeon Forge, Tennessee will make the final administrative determination.

(2) Definitions. (a) "Business" means any approved public activity that provides a service, product or attraction for the tourist-oriented towards family oriented visitors or guests.

(b) "Commission" means the Mayor and Board of Commissioners of Pigeon Forge, Tennessee.

(c) "Eligibility distance" means the total roadway distance from the turn on the principal highway where the TODS sign is located to the entry driveway.

(d) "MUTCD" means the Federal Highway Administration's Manual on Uniform Traffic Control Devices, as adopted in Tennessee by law.

(e) "TODS sign" means an individual sign of a generic type business in the TODS Program that consists of the name of the business type (generic), distance from the intersection of the state route, and direction of turn necessary to reach the business.

(f) "TODS sign assembly" means an official sign structure placed within the state's highway right-of-way along the mainline of travel with a business or attraction name, direction of turn, and distance.

(g) "Trailblazer sign" means the sign used in the TODS program on a non-state route that indicates the name, direction, and distance to a tourist activity.

(3) General provisions. Participation in the TODS Program shall be available to lawful cultural, historical, recreational, agricultural, educational, or entertainment activities; state and national parks; and commercial activities which are unique and local in nature; and the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity. The purpose is to provide generic advertising for any tourist oriented business. Non-tourist oriented businesses such as funeral homes, automobile repair, furniture sales, adult-oriented businesses, etc., shall not be eligible for a generic sign.

(4) Criteria for the erection of signs for the TODS Program. (a) The TODS Program shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), these rules and regulations, and contract provisions. However, to minimize the interference with the more critical regulatory, warning and guide signs, the TODS sign assembly will be created at least 200 feet from the intersection with the crossroads where possible. In addition to the aforementioned, the following criteria will be met:

(b) The erection of TODS shall require:

(i) Compliance with local zoning and local zoning authorities;

(ii) Compliance with all laws and regulations for scenic highways, in accordance with title 54, chapter 17, part 2, that TODS signing is not allowed on scenic highways, however, pursuant to Tennessee Code Annotated, 54-17-109-15(A)(b), TODS are allowed in certain counties along scenic highways.

(iii) Compliance with provisions regarding illegal signs as defined by the Highway Beautification Act of 1965 (23 U.S.C. 131);

(iv) Erection by the City of Pigeon Forge in a generic, standard sign format as specified in this chapter. No signs erected by individual business owners shall be permitted.

(5) Placement of signs. (a) The placement of individual TODS signs on the TODS sign assembly will be as follows:

(i) Generic commercial activities - no logo's, business names, etc. - that are accessible via a left turn from the intersection will be placed first;

(ii) Generic commercial activities - no logo's, business names, etc. - that are accessible via a right turn from the intersection will then be placed;

(iii) The TODS signs of all generically named commercial activities will be placed according to distance from each direction of turn, starting with the TODS panel of the generic commercial

activity with the shortest eligibility distance and going to the TODS panel of the business with the greatest eligibility distance.

(iv) A historic district shall be allowed a separate panel.

(b) For any given intersection and for each direction of travel only four business panels shall be installed for each direction of turn.

(c) A separate TODS sign assembly shall be erected for each direction in turn, except where no more than two approved generic commercial activities are available for each direction of turn. The commission, in that case, may elect to display a single TODS sign for up to four (4) generic commercial activities, with those four (4) commercial activities which can be reached by turning left on the top of the sign assembly, and the four (4) business which can be reached by turning right, placed directly below the others.

(d) A generic commercial activity will have its TODS sign installed adjacent to an intersection that provides it with the shortest eligibility distance.

(e) Wording on the TODS sign shall be limited to the generic name of businesses. Generic names are those which are commonly descriptive of a class of business such as campgrounds, crafts, restaurants, outlet shopping, amusements, lodging, churches, historic area, etc. No descriptive advertising words, phrases, or slogans shall be allowed on the TODS sign; such as hours of operation, special promotions, merchandise, prices, or business affiliations.

(f) Trailblazer signs may be installed to indicate the need for an additional turn to reach a participating business. All trailblazer signs shall have the same generic commercial activity name as shown on the mainline TODS sign, a directional arrow and distance to the business.

(6) Business eligibility, criteria, restrictions. (a) To be eligible for participation on a TODS sign, a business establishment shall be located off the principle state route, but within five (5.0) miles of the state highway.

(b) No generic commercial activity signage shall be permitted for commercial activities not within the corporate limits.

(7) Sign composition. TODS signs shall be 60" x 15" and shall have a white legend and border on a blue background. Mainline signs on state routes will be fabricated and installed by the city. Trailblazer signs should be similar in appearance and detail to the mainline signs. The purchase and installation of trailblazer signs are the responsibility of the City of Pigeon Forge, Tennessee. The sign faces shall be fabricated from encapsulated lens reflective sheeting meeting Tennessee Standard Specification 916.06, Type III. The sign faces shall be applied to 0.100 flat sheet aluminum sign blanks conforming to ASTM-B 209 Alloy 6061-T6 or 5052-H38.

(8) TODS installation and maintenance. All TODS sign assemblies will be installed by the City of Pigeon Forge on state rights-of-way. Additional directional signs (trailblazers) required to guide the traveler to the generic

commercial activity after leaving the state route shall be installed by the city before the mainline signs are installed.

(9) Inspections and liability. The City of Pigeon Forge have no liability for business lost due to TODS panels becoming temporarily out of service, and the display of the generic commercial activity on the City of Pigeon Forge's sign structures is not to be considered an endorsement or recommendation by the state on behalf of the business. (Ord. #575, § 1, Sept. 1998)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

#### CHAPTER 1

#### MISCELLANEOUS<sup>2</sup>

#### SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>State 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, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Unsafe operation of motor vehicles.
- 15-124. Following too closely.
- 15-125. Unauthorized use of disabled parking.
- 15-126. Transportation of children in truck beds.
- 15-127. Overtaking and passing of school buses.
- 15-128. Use of safety belts in passenger vehicles.
- 15-129. Use of child passenger restraint systems.
- 15-130. Compliance with financial responsibility law required.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1979 Code, § 9-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1979 Code, § 9-106)

**15-103. Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1979 Code, § 9-107)

**15-104. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1979 Code, § 9-109)

**15-105. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the municipality for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1979 Code, § 9-110)

**15-106. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1979 Code, § 9-111)

**15-107. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1979 Code, § 9-112)

**15-108. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1979 Code, § 9-113)

**15-109. General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

Highways,<sup>1</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1979 Code, § 9-114)

**15-110. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1979 Code, § 9-115)

**15-111. Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved, and made official. (1979 Code, § 9-116)

**15-112. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1979 Code, § 9-117)

**15-113. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1979 Code, § 9-118)

**15-114. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1979 Code, § 9-120)

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<sup>1</sup>This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**15-115. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1979 Code, § 9-121)

**15-116. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1979 Code, § 9-122)

**15-117. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1979 Code, § 9-123)

**15-118. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1979 Code, § 9-124)

**15-119. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1979 Code, § 9-125)

**15-120. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1979 Code, § 9-126)

**15-121. Damaging pavements.** No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1979 Code, § 9-119)

**15-122. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall

be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1979 Code, § 9-127)

**15-123. Unsafe operation of motor vehicles.** (1) The following are prohibitive and deemed to be unsafe operations of motor vehicles.

(a) Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent considering traffic, weather, road and light conditions, road character and proximity of pedestrians.

(b) Operating a motor vehicle in a manner which unnecessarily causes its tires to squeal, skid, or break free of the road surface.

(c) Failing to maintain that degree of control of a motor vehicle necessary to avoid danger to persons or property.

(d) Operating a motor vehicle while allowing a person to ride:

(i) On or within any vehicle, trailer or other mode of conveyance towed behind the motor vehicle unless specifically designed for carrying passengers while being towed; or

(ii) On any exterior portion of the motor vehicle not designed or intended for the use of a passenger. This restriction does not apply to a person seated on the floor of a truck bed equipped with sides, unless prohibited by other provisions.

(2) Any person found guilty of violating the provisions herein may be fined up to the sum of fifty dollars (\$50.00) for each violation, plus court costs. (1979 Code, § 9-107A, as amended by Ord. #533, § 1, Jan. 1997)

**15-124. Following too closely.** (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any light vehicle or other vehicle.

(3) Motor vehicles driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be operated so as to allow sufficient space between each such vehicle, or combination of vehicles, so as to enable any other vehicle to enter and

occupy such space without danger. This provision does not apply to funeral processions.

(4) Any person found guilty of violating the provisions herein, may be fined up to the sum of fifty dollars (\$50.00) for each violation, plus court costs. (as added by Ord. #551, § 1, Oct. 1997)

**15-125. Unauthorized use of disabled parking.** Any person, except a person who displays a valid license plate or placard issued to disabled drivers by the appropriate state agency, who parks in any parking space designated with the wheelchair disabled sign, shall be fined fifty dollars (\$50.00), plus court costs.

It is also a violation of this section for any person to park a motor vehicle so that a portion of such vehicle encroaches into a disabled parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle properly parked within such disabled parking space.

In addition to the fine imposed, a vehicle which does not display a disabled license plate or placard, and which is parked in any space designed with the wheelchair disabled sign, is subject to being towed. When a vehicle has been towed or removed pursuant to this section, it shall be released to its' owner, or the person in lawful possession, upon demand; provided, that such person making demand for return pays all reasonable towing and storage charges and that such demand is made during the operating hours of the towing company.

Any person who uses an unauthorized disabled placard or license plate to obtain parking, is subject to the penalties set forth in this section. In addition, the placard used to obtain parking by an unauthorized person shall be subject to forfeiture and confiscation. (as added by Ord. #552, § 1, Oct. 1997)

**15-126. Transportation of children in truck beds.** No person shall transport on the streets of the City of Pigeon Forge, Tennessee, a child under six (6) years of age in the bed of a truck with manufacturers ton rating not exceeding 3/4 ton and having a pick-up body style.

Any person found guilty of violating the provisions herein, may be fined up to the sum of fifty dollars (\$50.00) for each violation, plus court costs.

The provisions of this section do not apply to a person transporting such child in the bed of such vehicle when such vehicle is being used as part of an organized parade, procession, or other ceremonial event or for agricultural purposes, and when such vehicle is not exceeding the speed of 20 mph. (as added by Ord. #554, § 1, Oct. 1997)

**15-127. Overtaking and passing of school buses.** (1) The driver of a vehicle on the streets in the City of Pigeon Forge, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children, shall stop the vehicle

before reaching such school bus and the driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. The provisions of this section shall also apply to a school bus with lights flashing and stop sign extended that is stopped upon property owned, operated, or used by a school or educational institution, if such bus is stopped for the purpose of receiving or discharging any school children outside a protected loading zone.

(a) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a separate roadway.

(b) For purpose of subsection (a), "separate roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic.

(3) A person charged with a violation of this section shall be subject to a fine of fifty dollars (\$50.00). (as added by Ord. #562, April 1998)

**15-128. Use of safety belts in a passenger vehicle.** (1) (a) No person shall operate a passenger motor vehicle in the City of Pigeon Forge unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(b) The provisions of this section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(c) Notwithstanding any provision of the law to the contrary, no citation shall be issued for a violation of this section unless a person is stopped by a law enforcement officer for a separate violation of the law and is issued a citation for a separate violation of the law.

(d) This section does not apply to:

(i) A passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt; provided that such condition is duly certified in writing by a physician who shall state the nature of the handicap as well as the reason such restraint is inappropriate;

(ii) A passenger motor vehicle operated by a rural letter carrier of the United States Postal Service while performing the duties of a letter carrier;

(iii) Utility workers, water, gas and electric meter readers in the course of their employment; or

(iv) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer.

(2) A person charged with a violation of this section may be assessed a fine of twenty-five dollars (\$25.00). (as added by Ord. #563, April 1998)

**15-129. Use of child passenger restraint systems.** (1) Any person transporting a child under four (4) years of age in a motor vehicle upon a road, street or highway within the City of Pigeon Forge is responsible for providing for the protection of the child and properly using a child passenger restraint system meeting the federal motor vehicle safety standards. Nothing in this section prohibits the mother from removing the child from the restraint system and holding the child when the mother is nursing the child, or attending to its other physiological needs.

(2) A person charged with a first violation of this section may remit a thirty (\$30.00) dollar fine in lieu of a court appearance, and a person convicted of a second or subsequent violation may remit a fifty (\$50.00) dollar fine in lieu of a court appearance. Likewise, persons appearing before the court who are convicted of said violations shall pay the same fines as those who remit them in lieu of an appearance.

(3) If all seat belts or other passenger restraints in a passenger motor vehicle originally provided by the manufacturer are occupied, no fine shall be imposed on a person pursuant to the provisions of this section for the failure of a child four (4) years of age through twelve (12) years of age inclusive, in the back seat to properly use a passenger restraint system.

(4) A person charged with a violation of this section may be fined up to fifty dollars (\$50.00) for a violation of this section. (as added by Ord. #564, April 1998, and amended by Ord. #1052, Feb. 2018)

**15-130. Compliance with financial responsibility law required.**

(1) Every vehicle driven on the streets and highways of the City of Pigeon Forge shall be required to be properly insured in accordance with the Tennessee Financial Responsibility Law of 1977 and at any time a motor vehicle operator is charged with any moving violation under any city ordinance or state law, or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the operator of said vehicle shall provide to any investigating officer of the City of Pigeon Forge documentation that they have met the financial responsibility requirements of the Tennessee Financial Responsibility Law of 1977 compiled in Title 7 Chapter 12 of Tennessee Code Annotated.

(2) Documentation of compliance with the Tennessee Financial Responsibility Law of 1977 shall be accomplished by the driver or operator of said motor vehicle producing at the time of the investigation a documentation page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee stating that a policy of insurance meeting the requirements of the Tennessee Responsibility Law of 1977 has been issued; or a certificate valid for one (1) year issued by the commissioner of safety stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977 has been paid or filed with the Tennessee Commissioner of Insurance or that the driver has qualified as a self insurer under Tennessee Code Annotated, § 55-12-101.

(3) The provisions contained herein shall not apply to or be deemed a violation for any motor vehicle owned by a carrier subject to the jurisdiction of the Tennessee Department of Safety or the Interstate Commerce Commission or owned by the United States, the State of Tennessee or any political subdivision thereof and such vehicle is operated with the owner's consent.

(4) Any failure to comply with the provisions contained herein shall be deemed a violation of the city ordinance subject to the maximum fine of (\$50.00). (as added by Ord. #667, Jan. 2002)

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1979 Code, § 9-102)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1979 Code, § 9-103)

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1979 Code, § 9-104)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1979 Code, § 9-105)

### CHAPTER 3

#### SPEED LIMITS

##### SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of twenty (20) miles per hour except where official signs have been posted indicating other speed limits in which cases the posted speed limits shall apply.

The speed limit from the south end of the Parkway to the bridge at Sevierville city limits shall be thirty-five (35) miles per hour.

The speed limit on the Parkway from Conner Heights Road south to the present limits shall be forty-five (45) MPH.

The speed limit on Dollywood Lane from U.S. Highway 441 East to traffic signal at Teaster Lane and Middle Creek Road shall be twenty-five (25) miles per hour and thereafter from said traffic light to the city limits of Pigeon Forge and Sevierville on Middle Creek Road shall be forty (40) miles per hour.

The speed limit on Teaster Lane and on the Jake Thomas Road from Teaster Lane to Ore Bank shall be thirty-five (35) miles per hour.

The speed limit on Wears Valley Road shall be thirty-five (35) miles per hour.

The speed limit on Center View Road, as annexed by Ord. #567, shall be twenty (20) miles per hour.

The speed limit on Ridge Road shall be thirty (30) miles per hour except for the area encompassing a curve located 0.58 miles south of Center View Road, which area shall be reduced to twenty (20) miles per hour for a distance of three hundred feet (300'), as shown on the map of Wilbur Smith Associates attached hereto as Exhibit A.<sup>1</sup> (1979 Code, § 9-201, as amended by Ord. #466, Jan. 1994; Ord. #498, Aug. 1995; Ord. #573, § 1, Sept. 1998; Ord. #599, June 1999; and replaced by Ord. #780, Aug. 2005)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1979 Code, § 9-202)

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<sup>1</sup>See Ordinance #780 (Aug. 2005) of record in the recorder's office for Exhibit A.

**15-303. In school zones.** It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1979 Code, § 9-203)

**15-304. In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1979 Code, § 9-204)

## CHAPTER 4

TURNING MOVEMENTS

## SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1979 Code, § 9-301)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1979 Code, § 9-302)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1979 Code, § 9-303)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1979 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (1979 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. At pedestrian control signals.
- 15-509. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1979 Code, § 9-401)

**15-502. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1979 Code, § 9-402)

**15-503. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1979 Code, § 9-403)

**15-504. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1979 Code, § 9-405)

**15-505. At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1979 Code, § 9-406)

**15-506. At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the

pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1979 Code, § 9-407)

**15-507. At flashing traffic-control signals.** Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the municipality it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (1979 Code, § 9-408)

**15-508. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1979 Code, § 9-409)

**15-509. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1979 Code, § 9-410)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1979 Code, § 9-501)

**15-602. Angle parking.** On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1979 Code, § 9-502)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1979 Code, § 9-503)0

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or municipality, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) No person shall park a vehicle within fifteen (15) feet of a fire hydrant or between an area designated as a fire or emergency lane and the adjacent curb. Any person found guilty of violating the provisions herein may be fined up to the sum of fifty dollars (\$50.00) for each violation, plus court costs.

In addition to the fine imposed, a vehicle which is parked within fifteen (15) feet of a fire hydrant or between an area designated as a fire or emergency lane and the adjacent curb is subject to being towed. When a vehicle has been towed or removed pursuant to this section, it shall be released to its' owner, or the person in lawful possession, upon demand; provided, that such person making demand for return pays all reasonable towing and storage charges and that such demand is made during the operating hours of the towing company.

- (5) Within a pedestrian crosswalk.
- (6) On the fourteen-foot wide shoulder of U.S. Highway No. 441.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the municipality. (1979 Code, § 9-504, as amended by Ord. #553, § 1, Oct. 1997)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1979 Code, § 9-505)

**15-606. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1979 Code, § 9-506)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Use of driver's license in lieu of bail.
- 15-704. Illegal parking.
- 15-705. Impoundment of vehicles.
- 15-706. Disposal of abandoned motor vehicles.
- 15-707. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1979 Code, § 9-601)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1979 Code, § 9-602)

**15-703. Use of driver's license in lieu of bail.** Pursuant to Tennessee Code Annotated, §§ 55-50-801 through 55-50-805 whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic, except driving under the influence of an intoxicant or narcotic drug or leaving the scene of an accident, said person shall have the option of depositing his chauffeur's or operator's license with the officer or

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court.

All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805 and any implementing orders of the Department of Safety, State of Tennessee. (1979 Code, § 9-603)

**15-704. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1979 Code, § 9-604, modified)

**15-705. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1979 Code, § 9-605)

**15-706. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1979 Code, § 9-606)

**15-707. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. Parking citations shall be punishable by a fine of ten dollars (\$10.00). (1979 Code, § 9-604, modified, as amended by Ord. #532, § 1, Jan. 1997)

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PARADES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, sidewalks, etc., prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Vehicles, animals, etc., on sidewalks, walkways, etc.
- 16-111. Fires in streets, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1979 Code, § 12-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1979 Code, § 12-102)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1979 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1979 Code, § 12-104)

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body after a finding that no hazard will be created by such banner or sign. (1979 Code, § 12-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1979 Code, § 12-106)

**16-107. Littering streets, alleys, sidewalks, etc., prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk or any school premises or in any park any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with or make hazardous the use of such public ways and places for their intended purposes.

Any person violating this section shall promptly remove, or be liable for the expense of removing, the resulting litter. Payment of a fine shall not relieve him of this responsibility. (1979 Code, § 12-107)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

It shall be unlawful to install drainage tile along the streets, alleys, and ditches, including entrances to driveways to private property, of a less diameter than twelve (12) inches inside measurement, and said drainage tile shall be placed in such a manner and at such a grade as to allow the water to freely flow through said tile. (1979 Code, § 12-108)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1979 Code, § 12-109)

**16-110. Vehicles, animals, etc., on sidewalks, walkways, etc.**

(1) It shall be a misdemeanor for any person to ride, operate, push, pull, or place any automobile, bicycle, skateboard, motorcycle, animal or other conveyance upon any municipal owned sidewalk or walkway or upon any other sidewalk or walkway used by the public in any area zoned commercial by the City of Pigeon Forge.

The section shall not be construed to prohibit the use of wheelchairs or other devices being used by handicapped persons or carriages used to transport infant children.

(2) It shall likewise be a misdemeanor for any person to ride, lead, or tie any animal across or upon any municipal sidewalk or walkway or upon any other sidewalk or walkway used by the public in such a manner as to unreasonably interfere or inconvenience pedestrians using the same.

(3) Any person found guilty of violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5 nor more than \$50 for each offense.

(4) It shall also be unlawful for any person to allow any minor under his supervision to violate any provisions of this section. (1979 Code, § 12-111)

**16-111 Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1979 Code, § 12-112)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city manager is open for business, and said permit shall be retroactive to the date when the work was begun. (1979 Code, § 12-201)

**16-202. Applications.** Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1979 Code, § 12-202)

**16-203. Fee.** The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1979 Code, § 12-203)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the city manager a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city manager may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city manager a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1979 Code, § 12-204)

**16-205. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1979 Code, § 12-205)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the

city manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1979 Code, § 12-206)

**16-207. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$200,000 for each accident, and for property damages not less than \$50,000, with an aggregate of \$100,000 for all accidents. (1979 Code, § 12-207)

**16-208. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (1979 Code, § 12-208)

**16-209. Supervision.** The city manager shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1979 Code, § 12-209)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian

and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street.

All commercial driveways constructed and connecting to a city street shall be paved. All residential driveways constructed and connected to a city street shall be paved with hot mix or concrete for a minimum distance of fifteen (15) feet from adjoining edge of pavement on city street. (1979 Code, § 12-210)

## CHAPTER 3

### PARADES

#### SECTION

16-301. Definition.

16-302. No permits issued during July and October.

16-303. Permit required.

16-304. Application for permit.

16-305. Issuance of permit.

16-306. Notice of rejection of application.

16-307. Appeal procedure.

**16-301. Definition.** For purposes of this chapter, "parade" shall mean any procession or moving assemblage upon any street or public thoroughfare other than routine vehicular traffic or a funeral procession. (1979 Code, § 12-301)

**16-302. No permits issued during July and October.** Recognizing that the city streets are heavily congested during the months of July and October and that any parades during those months will substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic and will interfere unduly with proper fire and police protection of or ambulance services to areas contiguous to the assembly area or other areas of the city, no permits for parades will be issued during the months of July and October. (1979 Code, § 12-302, as amended by Ord. #971, Oct. 2013)

**16-303. Permit required.** (1) No person or organization shall engage in, participate in, aid, form, or conduct any street parade, without first obtaining a permit from the city manager.

(2) **Exceptions.** This section shall not apply to, nor shall a permit be required in the following instances:

(a) Funeral processions;

(b) Parades sponsored by the City of Pigeon Forge. (1979 Code, § 12-303)

**16-304. Application for permit.** Any person or organization seeking a parade permit during the months of January, February, March, April, May, June, September, November or December, shall file an application with the city manager, on a form provided by the City of Pigeon Forge.

(1) **Filing period.** The application for a parade permit shall be filed not more than one hundred and eighty (180) days and not less than five (5) days before the time intended for such parade. For good cause shown, applications may be accepted after the five (5) days limit. Good cause shall be shown when

the application can be processed in compliance with the provisions of this chapter in sufficient time to allow the parade to proceed as scheduled.

- (2) Contents. The application shall at least include the following:
- (a) The name and address of the organization sponsoring the parade;
  - (b) The name and address of the person in charge of the parade;
  - (c) The date when the parade is to be conducted;
  - (d) The name of the parade;
  - (e) The time the parade will begin to form, and the time the parade will begin movement;
  - (f) The place where the parade will form;
  - (g) The route of the parade;
  - (h) The approximate number of participants not including spectators who will participate in the parade;
  - (i) The number of autos, floats, or bands in the parade;
  - (j) The place where the parade will disband;
  - (k) Prior parade history of the organization involved;
  - (l) Any other information required by the city manager to perform the duties described herein. (1979 Code, § 12-304)

**16-305. Issuance of permit.** The city manager shall issue a parade permit as provided for hereunder when, from the consideration of the application and from other information as may otherwise be obtained, it appears that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic in or contiguous to the route or location of the parade.
- (2) The concentration of persons, animals, and/or vehicles at the parade will not interfere unduly with proper fire and police protection of or ambulance service to areas contiguous to the assembly area or other areas of the city.
- (3) The conduct of the parade will not result in noise at a level inappropriate to the area surrounding the parade.
- (4) The parade is not to be held for the primary purpose of advertising any product, good, or event which is primarily for private profit and the parade itself is not primarily for profit provided, however, the prohibition against advertising any product, good or event shall not apply to signs identifying organizations or sponsors furnishings or sponsoring exhibits or structures used in the conduct of the parade.
- (5) Such parade will not interfere with previously scheduled activities or with scheduled maintenance or repair work to be carried out on the streets or thoroughfare to be used. (1979 Code, § 12-305)

**16-306. Notice of rejection of application.** The city manager shall act upon the application for a permit within seventy-two (72) hours after the filing thereof. If for any reason a longer period of time is required, the reason for such a delay shall be provided in writing to the applicant. If the city manager disapproves the application, she shall make a reasonable effort to notify the applicant, either by personal delivery or certified mail. A copy of the notice of rejection and the reason thereof shall be available in the office of the city manager within twenty-four (24) hours of her action. (1979 Code, § 12-306)

**16-307. Appeal procedure.** Any applicant shall have the right to appeal the denial of a permit to the city commission. The city commission shall consider the appeal in a timely manner which does not preclude the applicant from conducting its parade. If, using the standards containing in this chapter, good cause exist for the denial, the rejection shall be upheld. If using the standards, good cause does not exist for the rejection, the city commission shall direct the city manager to issue a permit. (1979 Code, § 12-307)

**TITLE 17**

**REFUSE AND TRASH DISPOSAL<sup>1</sup>**

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE**

**SECTION**

- 17-101. Collection, storage, and disposal regulated.
- 17-102. Storage of table scraps, etc.
- 17-103. Containers to be kept clean.
- 17-104. Location of containers.
- 17-105. Unlawful accumulations.
- 17-106. Brush, leaves, loose trash.
- 17-107. Placing on property of another or on street.
- 17-108. Dumping into a public stream.
- 17-109. Allowing to be washed, blown about, or scattered.
- 17-110. Restaurants, etc.; special requirements.
- 17-111. When automatic loading containers are required.
- 17-112. City manager to administer this chapter.
- 17-113. Pickup schedules.
- 17-114. Refuse collection fees.
- 17-115. Violations.

**17-101. Collection, storage, and disposal regulated.** It shall be unlawful for any person, partnership, or corporation to collect, store, or dispose of any human, animal or vegetable refuse, including any industrial waste, on any premises within the city except as set forth under the provisions of this chapter. (1979 Code, § 8-201)

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

See also Ord. #397, of record in the recorder's office. It does not expressly amend the municipal code and is, therefore, not included herein. The caption of Ord. #397 is: AN ORDINANCE PROVIDING FOR THE EXCLUSIVE RIGHT OF THE CITY OF PIGEON FORGE TO CONTROL THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE BOUNDARIES OF THE CITY OF PIGEON FORGE AND COMMITTING SAID SOLID WASTE TO SEVIER SOLID WASTE, INC.

**17-102. Storage of table scraps, etc.** All table scraps, kitchen garbage, or other animal or vegetable refuse shall be stored in leak proof containers of a size not exceeding thirty (30) gallons and must be covered with a lid so as to prevent access by flies, mosquitoes, gnats, or other insects. (1979 Code, § 8-202)

**17-103. Containers to be kept clean.** Containers must be kept sufficiently clean or sanitary to avoid creation of offensive odors. (1979 Code, § 8-203)

**17-104. Location of containers.** All garbage containers must be placed in front of residences on regularly scheduled collection days for pickup by the city, at a location which is readily accessible to the city truck and crew. Upon request to the city manager, the city crew will be authorized to pick up containers in the rear of any house where the occupants, due to infirmity or illness, are unable to move the containers to their designated location for pickup by the city. (1979 Code, § 8-204)

**17-105. Unlawful accumulations.** It shall be unlawful to allow trash, garbage, or debris to accumulate on any premises so as to create an unsightly appearance or to cause the creation of unpleasant odors by souring, decay, or fermentation. (1979 Code, § 8-205)

**17-106. Brush, leaves, loose trash.** All brush and tree trimmings must be cut to maximum four foot lengths and tied in bundles if city pickup is required. Leaves must be baled or placed in containers. The city crew will not be required to pick up loose trash except due to spillage which occurs in the process of emptying containers. (1979 Code, § 8-206)

**17-107. Placing on property of another or on street.** It shall be unlawful for any person to place trash or garbage on the lands or buildings of another person or on any city street or right of way except for purposes of pickup as authorized by the owner or the city. (1979 Code, § 8-207)

**17-108. Dumping into a public stream.** It shall be unlawful to dump trash or garbage into any public stream. (1979 Code, § 8-208)

**17-109. Allowing to be washed, blown about, or scattered.** It shall be unlawful for any person to allow trash or garbage to be so placed as to permit it to be washed, blown by winds, or scattered by dogs or rodents over the lands or premises or another party or on city streets, rights of way, parks, or alleys. Any person or firm permitting or causing such trash or garbage to scatter shall cause the trash or garbage to be cleaned up promptly, and upon failure to do so the city shall have the cleanup performed and the owner of the trash or garbage shall pay the reasonable cost thereof. (1979 Code, § 8-209)

**17-110. Restaurants, etc.; special requirements.** Each restaurant, cafeteria, or other eating establishment is hereby required to purchase and use at its own expense one or more containers of the automatic loading and dumping variety suitable for pickup and dumping by the city's automatic loading truck. All automatic loading containers shall be placed for pickup on a concrete pad with dimensions not less than four feet by eight feet and such pad shall be so located that the city truck can run alongside the container for direct pickup. This requirement shall not shall not prohibit the owner of such restaurant or other place of business using such devices to store the container at another location when not spotted for pickup. (1979 Code, § 8-210)

**17-111. When automatic loading containers are required.** Any place of business or residence which regularly generates more garbage or trash than can be contained in six 30-gallon containers is hereby required to purchase an automatic loading container for pickup by the city, and to provide for a concrete pad as defined in the preceding section for pickup.

This section shall treat each resident of an apartment building as an individual resident unless a central garbage collection point is operated in which case it shall be required to install a container loader of suitable size.

Campgrounds shall be treated the same as motels and all garbage and trash shall be accumulated at no more than two points for pickup suitable sized container loaders. (1979 Code, § 8-211)

**17-112. City manager to administer this chapter.** The city manager is hereby authorized to administer provisions of this chapter and to take such steps as exist under law to require compliance herewith, including authority to obtain for the city an injunction or restraining order as necessary, and to cite violators into the city court under warrant. (1979 Code, § 8-212)

**17-113. Pickup schedules.** The city manager shall set such schedules for pickup as the businesses or residences may require, provided that all such schedules shall be consistent and nondiscriminating, and further provided that such pickup schedules shall not (without prior approval of the board of commissioners) be less than once per week for residences, five days per week for restaurants or other eating establishments, and three days per week for all other businesses. (1979 Code, § 8-213)

**17-114. Refuse collection fees.** Each customer shall pay a refuse collection fee. Refuse collection fee shall be at such rates as are from time to times set by the board of commissioners by resolution. (as added by Ord. #831, June 2007)

**17-115. Violations.** It shall be unlawful to willfully fail to pay the fee assessed by this chapter after the date said fee is delinquent, or to violate any other provision of this chapter. (as added by Ord. #831, June 2007)

**TITLE 18**

**WATER AND SEWERS<sup>1</sup>**

**CHAPTER**

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. WATER.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
5. REPURIFIED WATER.

**CHAPTER 1**

**WATER AND SEWERS<sup>2</sup>**

**SECTION**

- 18-101. Application for service.
- 18-102. Water and sewer line extensions and connection charges, etc.
- 18-103. Order of priority for handling applications.
- 18-104. Location of service connections.
- 18-105. Relocation of lines.
- 18-106. Starting date for sewer billing.
- 18-107. No new service for delinquent customer.
- 18-108. Discontinuance of service by customer.
- 18-109. Water rates.
- 18-110. Sewer rates.
- 18-111. Discontinuance of service for nonpayment of bill.

**18-101. Application for service.** (1) Each application for new sewer and water service shall be made to the city clerk who shall enter the application in writing and require the application to be signed by the applicant.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Ord. #867, June 2008 adopted the Stormwater Ordinance of the City of Pigeon Forge. This ordinance is a joint effort involving Sevier County, The City of Pigeon Forge, the City of Gatlinburg, and the City of Sevierville and is available in the office of the city recorder.

<sup>2</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a non-refundable connection fee, shall not obligate the city to render the service for which applied.

(2) Non-refundable connection fee. (a) City residents. Each prospective water and sewer customer who owns property within the corporate limits on which they live shall pay a fifty dollar (\$50.00) non-refundable connection fee and each prospective water and sewer customer who rents property within the corporate limits on which they live shall pay a fifty dollar (\$50.00) non-refundable connection fee to secure water and sewer service to his or her residence.

(b) Non-residents. Each prospective water customer who lives outside of the corporate limits shall pay a fifty dollar (\$50.00) non-refundable connection fee to secure water service to his or her residence.

(c) Commercial and industrial customers. Each prospective commercial and industrial water customer shall pay a non-refundable connection fee, to be set by the public works department, based on number of employees, expected usage or history or usage. The customary non-refundable connection fee is based on two (2) months expected average billing. (1979 Code, § 13-101, as amended by Ord. #819, Feb. 2007)

**18-102. Water and sewer line extensions and connection charges, etc.** There is established for the City of Pigeon Forge, Tennessee, the following procedure for the extension of, the charge of tap fees to line extensions, and refunds for the Pigeon Forge Water and Sanitary Sewer Systems.

(1) Extension of lines and mains for a single customer. Upon application by one or more single customer the city will construct, lay or extend all necessary water mains and or sewer lines to provide the service for which application is made provided, however, that the cost of such construction shall be borne by the applicant and will not be subject to refund.

(2) Extension for developer customer. (a) Any developer contemplating extension of water mains and or sanitary sewer lines within the City of Pigeon Forge should consult with the director of public works regarding the city's master plan for water main and/or sanitary sewer lines and the sizes and location of the mains and/or lines to serve the area to be developed. In no case will the gravity lines be less than eight (8) inches. No main in the distribution system shall be less than six (6) inches in diameter.

(b) The developer should furnish four (4) sets of detailed plans of the water and sewer extension(s) to the city along with a review fee of 1% of the estimated construction cost or \$200.00, whichever is greater. After the plans have been approved by the city engineer, they will be submitted for review and approval as noted in paragraph (c). The city

shall make the estimate to determine the fee, and there shall be a minimum fee of \$50.00.

(c) The developer must furnish written evidence of review approval from the Tennessee State Health Department and any other agency not otherwise named, but having jurisdiction in matters of the Pigeon Forge Water and Sanitary Sewer Systems.

(d) The developer will apply for a construction permit after the plans have been reviewed and bear the approval stamp of the city engineer and the Tennessee State Health Department.

(e) Prior to starting work, the developer shall furnish easements as may be required. The contractor used by the developer must be a licensed general contractor as required by Tennessee Code Annotated, section 62-6-101, et seq. and any amendments thereto by the General Assembly of the State of Tennessee and approved for utility work by the City of Pigeon Forge.

(f) Prior to commencing work, and during the water and/or sanitary sewer construction, the contractor must give the City of Pigeon Forge a one (1) day notice for furnishing an inspector and pay the city at the rate of \$25.00 per hour for this inspection. No water main or sewer line or appurtenance work will be done without an inspector being present (this does not include drilling, blasting, or excavation).

(g) During construction the inspector shall make written reports as the work progresses. Any deficiencies shall be noted and copies of all reports shall be delivered to all involved parties including the contractor's bonding company. After completion of construction, the contractor along with the city and/or any of the above agencies having jurisdiction will conduct an inspection of all mains and lines and appurtenances. A written list of necessary corrections or approval for initial acceptance will then be furnished the developer. Tests shall be run in accordance with the Tennessee State Health Department before final acceptance is made.

(h) The developer shall furnish the city with one (1) set of "As Built" construction plans on mylar or some other reproducible medium.

(i) All costs of design, materials, and installation will be borne by the developer and these certified costs must be furnished to the city upon completion of the water and/or sewer work and will be by a licensed contractor for work completed.

(j) The developer shall furnish a one (1) year bond equal to the amount of the total project and all known deficiencies should have been corrected before final inspection. Any deficiencies shall be reported to the developer as they are located. All notices shall be in writing and sent to all parties concerned. The bond company shall be kept on notice until the project is completed.

(k) After initial acceptance, the developer shall deed these mains and lines to the city, free and unencumbered for their ownership and maintenance.

(l) No permits for connections shall be issued until after acceptance.

(m) After the first inspection and acceptance the developer must pay all connection fees for the development or along approved lines at the following rates:

For locations within the corporate limits the minimum connection fee for tapping privileges shall be determined in accordance with the following schedule based on meter sizes determined by the district.

<u>WATER METER SIZE</u>	<u>WATER</u>	<u>WASTEWATER</u>
5/8 - 3/4*	\$750	\$750
3/4 - 3/4*	\$750	\$750
1" & Larger*	1,250 per inch diameter of	1,250 per inch diameter of

\*The minimum connection fee does not include the cost of service assembly, i.e. tapping main line and furnishing and installing service line, meter, meter box, yoke, fittings, pavement repair, or other restoration work. All of these costs are to be borne by the purchaser of the connection.

The connection fees in paragraph one are the minimum for such privilege. Connection fees for multi-unit residential and non-residential structure, school, church, service station or other single unit commercial structure shall be determined in accordance with the following schedule:

<u>ESTABLISHMENT</u>	<u>WATER</u>	<u>WASTEWATER</u>
(1) Duplex, Triplex or other multi-residential structure	Minimum connection charge based on meter size for first unit plus \$100 for each additional unit	Minimum connection charge based on meter size for first unit plus \$100 for each additional unit
(2) Industrial facility domestic waste only	Minimum connection charge based on meter size plus \$25 per employee	Minimum connection charge based on meter size plus \$25 per employee
(3) Motel & Hotels Condominium Unit	Minimum connection charge based on meter size plus \$100 for each unit	Minimum connection charge based on meter size plus \$100 for each unit

<u>ESTABLISHMENT</u>	<u>WATER</u>	<u>WASTEWATER</u>
(4) Restaurants	Minimum connection charge based on meter size plus \$25 per seat	Minimum connection charge based on meter size plus \$25 per seat
(5) Self-service Laundries	Minimum connection charge based on meter size plus \$125 per washing or cleaning unit	Minimum connection charge based on meter size plus \$125 per washing or cleaning unit
(6) Service Station	Minimum connection charge based on meter size plus \$225 per pump	Minimum connection charge based on meter size plus \$225 per pump
(7) Theaters Movies-live performances	Minimum connection charge based on meter size plus \$5 per seat	Minimum connection charge based on meter size plus \$5 per seat
(8) Shopping Center & Commercial Store Crafts	Minimum connection charge based on size plus \$20 per 1,000 square feet total floor area under roof	Minimum connection charge based on size plus \$20 per 1,000 square feet total floor area under roof
(9) Schools	Minimum connection charge based on meter size plus \$25 per student	Minimum connection charge based on meter size plus \$25 per student
(10) Fire Protection Lines	\$600 per inch diameter of connection	No charge
(11) Mobile Home Parks	\$500 first unit \$250 each additional unit	\$500 first unit \$250 each additional unit
(12) Car Wash	\$2,500 per bay	\$3,000 per bay
(13) Camp Grounds	\$100 per site	\$100 per site

ALL LOCATIONS OUTSIDE THE CORPORATE LIMITS SHALL BE TWICE THE CHARGE OF THOSE ESTABLISHED WITHIN THE CORPORATE LIMITS, AND THE DEVELOPER AT ALL SUBDIVISIONS AND/OR MULTI-UNIT DEVELOPMENTS OUTSIDE THE CORPORATE LIMITS SHALL IN ADDITION THERETO PAY A CONNECTION FEE OF ONE THOUSAND (\$1,000.00) DOLLARS PER TAP IN ADDITION TO THE EXISTING TAP FEE PAID BY THE CUSTOMER AND FURTHER ALL MULTI-UNIT DEVELOPMENTS INSIDE AND OUTSIDE THE CITY SHALL BE REQUIRED TO HAVE INDIVIDUAL WATER METERS FOR EACH UNIT.

(1979 Code, § 13-102, as replaced by Ord. #515, Feb. 1996, and amended by Ord. #639, Oct. 2000, and Ord. #680, Aug. 2002)

**18-103. Order of priority for handling applications.** Each application will be numbered consecutively by the city clerk and service connections will be rendered on a first come, first serviced basis except where an emergency exists or where undue hardship can be shown. (1979 Code, § 13-103)

**18-104. Location of service connections.** Service connections will normally be made at grade to the nearest point from the city's main to the owner's property line unless the applicant provides a sketch with the application designating another location and grade level desired. Installations shall be at the grade and location specified if such location and grade are not considered unreasonable and will not cause the city undue expense, as determined by the city manager. (1979 Code, § 13-104)

**18-105. Relocation of lines.** After installation, any relocation of a line installed in accordance with the application shall be at the owner's expense unless such relocation is for the city's convenience. (1979 Code, § 13-105)

**18-106. Starting date for sewer billing.** Each application for a sewer service tap shall specify the date upon which the owner requires service and such date shall constitute the starting date for billing service or if later, the actual installation date. (1979 Code, § 13-106)

**18-107. No new service for delinquent customer.** Any delinquent charges for water or sewer service must be paid by an applicant before new service will be rendered. (1979 Code, § 13-107)

**18-108. Discontinuance of service by customer.** Applications for discontinuance of water and sewer service must be made in person to the city clerk by telephone or in writing. Such applications for discontinuance of service shall be entered in writing by the city clerk specifying the date that discontinuance is requested. (1979 Code, § 13-108)

**18-109. Water rates.**<sup>1</sup> All previously adopted rate structures (user charges) be hereby abolished and that the following rates (user charges) be adopted for the use of the City of Pigeon Forge, Tennessee:

WATER  
RATE SCHEDULE "A" - WITHIN CORPORATE LIMITS  
(RESIDENTIAL & SMALL COMMERCIAL)

First 2,000	\$13.30 Minimum
Over 2,000	\$ 4.90 Per Thousand Gallons

RATE SCHEDULE "B" - WITHOUT CORPORATE LIMITS  
(RESIDENTIAL & SMALL COMMERCIAL)

First 2,000	\$19.93 Minimum
Over 2,000	\$ 7.90 Per Thousand Gallons

(1979 Code, § 13-109, as amended by Ord. #638, Oct. 2000, as amended by Ord. #870, June 2008, as replaced by Ord. #929, June 2011, and amended by Ord. #931, July 2011)

**18-110. Sewer rates.** All previously adopted rate structures (user charges) be hereby abolished and that the following rates (user charges) be adopted for the use of the City of Pigeon Forge, Tennessee:

WASTEWATER  
RATE SCHEDULE "A" - WITHIN CORPORATE LIMITS  
(RESIDENTIAL & SMALL COMMERCIAL)

First 2,000	\$13.30 Minimum
Over 2,000	\$ 4.90 Per Thousand Gallons

RATE SCHEDULE "B" - WITHOUT CORPORATE LIMITS  
(RESIDENTIAL & SMALL COMMERCIAL)

First 2,000	\$19.93 Minimum
Over 2,000	\$ 7.09 Per Thousand Gallons

(1979 Code, § 13-110, as amended by Ord. #638, Oct. 2000, and Ord. #870, June 2008, and replaced by Ord. #929, June 2011, and amended by Ord. #931, July 2011)

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<sup>1</sup>Beginning July 1, 2012, the water rate and sewer rate shall increase by ten percent (10%), and July 1, 2013, the water rate and sewer rate shall increase ten percent (10%), and July 1, 2014, the water rate and sewer rate shall increase by ten percent (10%).

**18-111. Discontinuance of service for nonpayment of bill.** If payment of a bill is not made within forty-five (45) days from billing date, both the sewer service and water service shall be discontinued. Before the sewer and water service is reconnected, all past due bills must be paid and an additional charge of two dollars (\$2.00) will be made for reconnecting service. (1979 Code, § 13-111)

## CHAPTER 2

### SUPPLEMENTARY SEWER REGULATIONS<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Use of public sewer required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Penalties.
- 18-209. Hearing board.

**18-201. Definitions.** (1) "Act" or "the act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC.

(2) "BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(3) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(4) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(5) "Categorical standards," National Pretreatment Standards.

(6) "City" shall mean the Board of Commissioners of the City of Pigeon Forge, County of Sevier, State of Tennessee, acting through its city manager, employees and other agents authorized to conduct business on the behalf of the commissioners.

(7) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(8) "Compatible pollutant," biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment works (POTW) NPDES permit for which the

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<sup>1</sup>Municipal code reference

Cross connections, auxiliary intakes, etc.: title 18, chapter 4.

Water and sewers: title 18, chapter 1.

treatment works is designed to treat and in fact does remove such pollutants to a substantial degree.

(9) "Engineer" shall mean the engineer employed by the city for the design, construction and/or operation of the Wastewater System and/or Water Pollution Control of the City of Pigeon Forge, or the authorized deputy, agent or representative of the engineer.

(10) "Environmental Protection Agency," or "EPA," the agency of the United States, or more appropriate the term may also be used as a designation for the administrator or other duly authorized officials of said agency.

(11) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(12) "Grab sample," a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(13) "Hearing board" shall mean that board appointed according to the provisions of § 18-209.

(14) "Incompatible pollutant," all pollutants other than compatible pollutants as defined within.

(15) "Indirect discharge" shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the act, into a POTW.

(16) "Industrial user" shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

(17) "Interference," inhibition or disruption of sewer system, treatment processes or operations for which contributes to the violation of any requirement of the city's NPDES permit. The term includes prevention of sewer sludge use or disposal by the wastewater system in accordance with Section 405 of the Act, or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW).

(18) "National pollution discharge elimination system or NPDES permit," a permit issued to a POTW pursuant to Section 402 of the Act.

(19) "National pretreatment standard or pretreatment standard," any regulation containing the pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act as applicable.

(20) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(21) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(22) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration, the concentration being expressed in molecular weights (mols) per liter of solution.

(23) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(24) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(25) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(26) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(27) "Sewer" shall mean a pipe or conduit for carrying wastewater.

(28) "Shall" is mandatory; "may" is permissive.

(29) "Slug" shall mean any discharge of water, sewage, or combination waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(30) "Standard industrial classification or SIC," a classification pursuant by the Standard Industrial Classification Manual issued to the Executive Office of the President, Office of Management and Budget, 1972.

(31) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

(32) "Superintendent" shall mean the Superintendent of the Wastewater System and/or Water Pollution Control of the City of Pigeon Forge, or the authorized deputy, agent or representative of the superintendent.

(33) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(34) "Toxic pollutant," any pollutant or combination of pollutants listed as toxic and regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of 33 USC 1317.

(35) "24-hour, flow proportional composite sample," a sample consisting of several effluent portions collected during a 24-hour period in which portions of the sample are proportional to the flow and combined to form a representative sample.

(36) "Wastewater works" shall mean all facilities for collecting, pumping, treating, and disposing of wastewater of any nature.

(37) "Wastewater treatment plant" shall mean any arrangement of devices and structures used for treating wastewater of any nature.

(38) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1979 Code, § 13-201)

**18-202. Use of public sewers required.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Pigeon Forge, or in any area under the jurisdiction of the City of Pigeon Forge, any human or animal excrement, garbage, industrial waste, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Pigeon Forge, or in any area under the jurisdiction of said City of Pigeon Forge, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Pigeon Forge or in any area within the jurisdiction of the City of Pigeon Forge and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City of Pigeon Forge, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5) meters of the property line. (1979 Code, § 13-202)

**18-203. Private sewage disposal.** (1) Where a public sanitary sewer is not available under the provisions of § 18-202(4) the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the City of Pigeon Forge, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the city at the time application is filed.

(3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any

underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the superintendent.

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet (1393.5 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 18-203(4), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(7) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officers of the county and/or state.

(8) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (1979 Code, § 13-203)

**18-204. Building sewers and connections.** (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential service,

(b) For service to commercial establishments.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit, inspection and connection fee for a residential or commercial building sewer shall be paid to the city at the time the application is filed. The fees shall be in accordance with the fees set by the user charge ordinance.

(3) All costs and expense incident to the installation of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The connection of the building sewer to the public sewer shall be made by the city or under the supervision of the city.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an

interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code and other applicable rules, regulations and specifications of the city. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and/or other applicable rules, regulations and specifications of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent in writing before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the city and/or under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (1979 Code, § 13-204)

**18-205. Use of the public sewers.** (1) No person shall discharge or cause to be discharged any stormwater, surfacewater, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

The city shall from time to time, inspect and test their public sewers and those private sewers that are connected thereto for the purpose of determining their physical condition and for detecting any unauthorized and/or prohibited connections and discharges to such public sewers. Should such unauthorized and/or prohibited connections and/or discharges to the public sewers owned by the city be detected as a result of such inspection and testing, the following corrective process shall apply:

(d) The city or its authorized representative, will forward a letter to the owner of the property where the prohibited connection and/or discharge has been detected, such letter generally outlining the problem and advising the property owner that complete corrective action removing the prohibited connection and/or discharge from the public sewer must be completed at the expense of the property owner within sixty (60) calendar days of the date of such letter.

(e) City personnel or their authorized representatives, will visit the site with the property owner if the property owner so requests to further describe the problem and to review potential corrective action to be undertaken by the property owner within the prescribed time.

(f) If corrective action is not taken by the property owner within the prescribed time frame, the city will attempt to obtain the necessary easements to enter the private property to implement corrective action, with the cost of such corrective action invoiced to the property owner for payment to the city.

(g) If the property owner refuses to make corrective action or refuses to allow the city to do so as outlined above, such violation of this section will be applicable under Pigeon Forge Municipal Code § 18-208, Penalties.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent.

(3) Industrial waste or industrial wastewaters shall not be acceptable in the City of Pigeon Forge or in any area under the jurisdiction of the City of Pigeon Forge.

(4) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or a pH higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65°C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)° F (0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment works exceeds the limits established by the superintendent for such material.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment

of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.0.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Any waters or wastes exceeding the following standards:

MAXIMUM CONCENTRATION IN WASTEWATER TREATMENT PLANT INFLUENT  
INFLUENT

<u>Constituent</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Compatible Wastes:	
Biochemical Oxygen Demand	400
Chemical Oxygen Demand	800
Settleable Solids (ml/l)	20
Total Suspended Solids	400
Nitrogen (Total Kjeldahl)	40
Incompatible Wastes:	
Boron	0.2
Cadmium	Below Detectable Limit

Chromium (Hexavalent)	0.4
Chromium (Total)	1.0
Copper	0.1
Cyanide	0.2
Lead	Below Detectable Limit
Nickle	0.1
Zinc	0.1

(6) Any individual, company, firm, corporation or any other entity proposing to discharge any waste or wastewater into the treatment system of the City of Pigeon Forge or in any area under the jurisdiction of the City of Pigeon Forge shall submit to the proper authorities of the City of Pigeon Forge an application for discharge accompanied by a complete physical, chemical and bacteriological analysis of the waste or wastewater proposed to be discharged. If, in the opinion of the City of Pigeon Forge, the waste or wastewater proposed to be discharged is of an industrial nature of any source or kind; or, if in the opinion of the City of Pigeon Forge, the waste or wastewater will impair the operation of the treatment works in any manner, form or fashion, the application for discharge will be denied.

(7) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 18-205(4), and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges. This requirement shall apply only to the treatment of compatible wastes.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

(8) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(9) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be subject to unannounced and unscheduled inspections by the city.

(10) When required by the superintendent, the owner of any property serviced by a building sewer carrying commercial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(11) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples. (1979 Code, § 13-205, as amended by Ord. #642, Oct. 2000)

**18-206. Protection from damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1979 Code, § 13-206)

**18-207. Powers and authority of inspectors.** (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(9).

(3) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1979 Code, § 13-207)

**18-208. Penalties.** (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (1979 Code, § 13-208)

**18-209. Hearing board.** (1) A hearing board shall be appointed as needed for arbitration of differences between the superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the superintendent. The cost of the arbitration will be paid by the sewer user requesting arbitration.

(2) One member of the board shall be a registered professional sanitary engineer; one member shall be a representative of a commercial enterprise; one member shall be a lawyer; one member shall be selected at large for his interest in accomplishing the objectives of this chapter; and one member shall be a representative of the city. (1979 Code, § 13-209)

### CHAPTER 3

#### WATER<sup>1</sup>

##### SECTION

- 18-301. When use of city water required.
- 18-302. When use of wells or springs is prohibited.
- 18-303. Digging of new wells restricted.
- 18-304. Inspection of springs and wells.
- 18-305. Condemnation and abatement of unsanitary springs or wells.
- 18-306. Application of §§ 18-304 and 18-305.
- 18-307. Offensive or dangerous pools or ponds.

**18-301. When use of city water required.** Every dwelling house, tenement, or other building must be supplied with city water, provided there is a water main in the front, rear, or on either side of such premises. (1979 Code, § 8-301)

**18-302. When use of wells or springs is prohibited.** It shall be unlawful for any person located on any premises where there is provided a water main in the front, rear, or on either side of such premises, to use water from wells or springs if such premiss are open to the general public, or the general public is invited upon said premises. (1979 Code, § 8-302)

**18-303. Digging of new wells restricted.** Except where the water is to be used for commercial or domestic use other than human consumption, it shall hereafter be unlawful for any person to dig a well upon any premises where there is a water main in the front, rear, or on either side of such premises. (1979 Code, § 8-303)

**18-304. Inspection of springs and wells.** The city manager is hereby empowered and directed to have the Tennessee Department of Health inspect and examine all springs and wells which he has reason to believe are polluted, unhealthy, unsanitary, and carrying in their waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the water thereof for the purpose of ascertaining their sanitary condition. (1979 Code, § 8-304)

**18-305. Condemnation and abatement of unsanitary springs or wells.** If, as a result of such examination, inspection, and analysis, provided for

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<sup>1</sup>Municipal code reference

Water and sewers: title 18, chapter 1.

in § 18-304, the city manager or the Tennessee Department of Health ascertains that any spring or wells unsanitary, unhealthy, and infected with the germs of contagious and infectious diseases, the city manager shall at once condemn such spring or well as a public nuisance, and shall post a notice on or near thereto stating that such source of water supply has been condemned as unsanitary and dangerous to health, and shall at once serve written notice upon the owner of such well or spring, if he be a resident of the city, to abate such nuisance within ten (10) days by permanently closing such well or spring and so abating it as to render the taking of water therefrom impossible. If the owner thereof resides outside of the city, the city manager shall give him such notice in writing as above provided by registered mail. Should the owner thereof be unknown, and his identity cannot be established by diligent inquiry, a suitable notice shall be published for ten (10) days, in a newspaper in the city, requiring the unknown owner of such spring or well to close and obstruct such spring or well and abate such spring or well within ten (10) days from date of the last publication of such notice.

If any owner of a spring or well shall fail to comply with a notice provided for in this section within ten (10) days from the receipt thereof by closing and obstructing such spring or well and abating such nuisance to the public health, he shall be guilty of a misdemeanor.

If any owner shall fail to close and obstruct such well or spring and abate such nuisance after the expiration of ten (10) days from the receipt of such aforesaid notice, or the making of said publication for an unknown owner, it shall then be the duty of the chief of police, upon the request of the city manager, to abate, obstruct, and close up such well or spring so as to prevent persons from obtaining and using water therefrom, and the costs and expenses of such closing shall be chargeable to the owner of such well or spring and shall be payable to the city on demand. (1979 Code, § 8-305)

**18-306. Application of §§ 18-304 and 18-305.** The words "polluted," "unhealthy," "unsanitary," and "infected," as used in §§ 18-304 and 18-305, apply only and solely to the use of the waters in question for human consumption. Nothing in the provisions of §§ 18-304 and 18-305 shall be held to prohibit their use for domestic or commercial uses. (1979 Code, § 8-306)

**18-307. Offensive or dangerous pools or ponds.** Every pool, pond, or other place within the limits of the city which shall be offensive or dangerous to health is hereby declared to be a public nuisance and may be abated at the cost of the offender unless renovated, cleaned, or purified within three days of notification from the city manager. (1979 Code, § 8-307)

## CHAPTER 4

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the City of Pigeon Forge for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

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<sup>1</sup>Municipal code references

Plumbing code: title 12, chapter 2.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1979 Code, § 8-501)

**18-402. Standards.** The Pigeon Forge Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (1979 Code, § 8-502)

**18-403. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross-connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the superintendent of the water department of the City of Pigeon Forge. (1979 Code, § 8-503)

**18-404. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water department a statement of the non-existence of unapproved or unauthorized auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (1979 Code, § 8-504)

**18-405. Inspections required.** It shall be the duty of the superintendent of the water department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved, shall be established by the superintendent of the water department of the City of Pigeon Forge public water supply and as approved by the Tennessee Department of Health. (1979 Code, § 8-505)

**18-406. Right of entry for inspections.** The superintendent of the water department or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Pigeon Forge public water supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping

system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (1979 Code, § 8-506)

**18-407. Correction of existing violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of the Pigeon Forge public water supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the superintendent of the public water supply, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitute an extreme hazard of immediate concern of contaminating the public water system, immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard is corrected immediately. (1979 Code, § 8-507)

**18-408. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.  
(2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the Pigeon Forge Public water supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the public water supply prior to

installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Pigeon Forge public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the Pigeon Forge public water supply.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent of the Pigeon Forge public water supply. (1979 Code, § 8-508)

**18-409. Unpotable water to be labeled.** The potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1979 Code, § 8-509)

**18-410. Violations.** The requirements contained herein shall apply to all premises served by the Pigeon Forge water system whether located inside or

outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Pigeon Forge corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor. (1979 Code, § 8-510)

**CHAPTER 5**

**REPURIFIED WATER**

**SECTION**

18-501. Definitions.

18-502. Conditions for repurified water.

18-503. Discontinuance of service for failure to pay.

18-504. Tapping mains without permission; using unmetered water; tampering with meters, etc.; interfering with installation, operation, etc., of meter.

18-505. Penalty.

18-506. Fees - repurified water.

**18-501. Definitions.** (1) Defintions. (a) "Customer" shall mean the person or legal entity who owns property to which repurified water service is to be, or is being, provided. Because of the variety of infrastructure and use issues arising with repurified water, the owner of the property is required to complete the application and agreement for service. If a person other than the owner is to be billed for the monthly service charge and the repurified water usage, both the owner and the other person must complete the application and agreement. The owner and the other person will collectively be the customer and both will be required to follow the terms and conditions of this ordinance and the agreement.

(b) "Pigeon Forge" shall mean the City of Pigeon Forge, Tennessee.

(c) "Repurified water" shall mean the highly treated reclaimed water produced at the City of Pigeon Forge Wastewater Treatment Plant. The product has been subjected to physical and biochemical processes, and has been filtered and disinfected with both ultraviolet light and chlorine prior to being introduced into a dedicated distribution system. While not intended for human or animal consumption, this water is suitable for a number of domestic, commercial and industrial applications, as established by the city.

(2) Use of repurified water regulated. All persons using repurified water produced by the city shall comply with all relevant provisions of city ordinances and Pigeon Forge policies and standards relating to potable water, repurified water and sewerage systems of the city.

(3) Use of repurified water. Repurified water shall be utilized for irrigation and may be utilized for other approved uses as established by policies adopted by Pigeon Forge.

(4) Infrastructure. All lines and appurtenances dedicated to public use shall be located in public right-of ways or easements approved by the city. Such lines and appurtenances and easements shall become the property of the Pigeon Forge, and shall be maintained by Pigeon Forge. The construction of all repurified water lines shall be in accordance with the requirements and policies of the city.

(5) The city council, after receiving a recommendation from the public works department, shall by ordinance establish and from time to time adjust rates, fees, charges and credits for the repurified water system.

(6) The board shall adopt policies and regulations for the repurified water system and the use of repurified water. (as added by Ord. #1024, Oct. 2016)

**18-502. Conditions for repurified water service.** (1) Compliance with regulations. Repurified water is subject to a variety of federal, state and local regulations to protect the safety of the public and the integrity of both the potable and repurified water systems. Customer agrees to comply with any federal, state and local laws, regulations and standards that may apply the customer's use of repurified water. Such laws, regulations and standards may include:

(a) Requirements and restrictions governing the use of repurified water;

(b) Application methods that reasonably preclude certain kinds of human contact with repurified water;

(c) Controlled access to the repurified water, its delivery system, storage and use;

(d) Requirements to prevent repurified water from standing on open access areas during normal periods of use;

(5) Requirements to prevent repurified water from coming into contact with drinking fountains, water coolers or eating areas; and,

(6) Requirements to identify certain components of the delivery system, or to provide public notice or signage that repurified water is used on the customer's premises.

(2) Compliance with agreement. A repurified water customer agreement establishes the terms and conditions that apply to the ultimate consumer of the city's repurified water. No repurified water service of the city may be connected or served until the following conditions are met:

(a) A complete agreement and application for repurified water is executed by the owner of the property and, if different from the owner, the user;

(b) Pigeon Forge and the customer agree on the use site; Pigeon Forge agrees to deliver repurified water to a meter at the customer's property line at the designated use site and the customer agrees that

repurified water will be stored and/or used exclusively at the designated use site;

(c) Customer may not resell repurified water, and is prohibited from conveying repurified water delivered under this agreement to any other premises or location not specified in the application;

(d) The Pigeon Forge repurified water distribution system terminates at the meter. The Customer is solely responsible for any on site costs arising from the construction, maintenance or operation of the onsite portion of the system; and,

(3) Color coding. The use of color code Pantone Purple 522C is required for all public repurified water lines, valves and outlets and appurtenances, and is strongly recommended for distribution and application facilities located on private properties.

(4) Hose bibs. Customer specifically agrees not to install hose bibs, except as allowed by city policy, on any component of the repurified water delivery system.

(5) Signage. Customer is responsible for posting and maintaining signs that will inform the public that repurified water is being used on the customer's premises. Such signage shall conform to the policies of the city. Customer may also be responsible for posting other signage that may be required by the State of Tennessee.

(6) Cross-connection control. Repurified water is designated as a nonpotable water supply. Since it is virtually impossible to distinguish repurified water from drinking water by sight or scent, it is important to maintain complete separation of the repurified water and potable water systems. To accomplish this goal, the provisions of the cross-connection control program shall apply. At a minimum, a reduced pressure backflow prevention device shall be required on the potable water supply for the site served with repurified water.

(7) Inspection. Customer agrees that the city or any other public agency with the authority to verify compliance with the repurified water use regulation may inspect the customer's premises to verify compliance with applicable laws and regulations. Customer further acknowledges the responsibility and obligation to inform Pigeon Forge of certain activities relating to the construction, maintenance and operation of its private repurified water system, including, but not necessarily limited to, materials, construction or modification, testing, violations and emergency situations.

(8) Plans. Customer acknowledges the responsibility to maintain a copy of the on site repurified water system plans at the premises where the water is being used.

(9) Potential disruption of service. Customer accepts the possibility that Pigeon Forge may be required to disrupt repurified water service or to reduce pressure due to emergency conditions, peak demands, or planned system

maintenance. Pigeon Forge will not be responsible for any damage or loss that may be sustained because of any interruption of service.

(10) Emergency terminations. When there is an unforeseen emergency, Pigeon Forge may terminate delivery of repurified water without notice. When notice of an emergency is given, customer shall reduce or cease usage of repurified water.

(11) Cessation or reduction in use. In order to accommodate peak demands or planned maintenance, Pigeon Forge shall provide the customer with twenty-four hour notice of the need to cease or reduce repurified water usage. Upon receipt of such notice, customer shall comply with the notice.

(12) Transfer of property. Customer agrees that all leases of the premises subject to the agreement for repurified water service shall be in writing and must be made expressly subject to the agreement. Should the customer sell or otherwise transfer ownership or control of the premises described herein to a third party, Pigeon Forge shall not be obligated to provide repurified water to any subsequent owner or customer unless such sale or disposal incorporates the agreement by reference, and makes any successors and assigns expressly subject to the agreement. If such third party disposition does not include such provisions, customer will close its account with Pigeon Forge and pay any fees or charges incurred by customer before the disposition of the property is effective.

(13) Termination of service. Customer acknowledges that potable water, repurified water and sewer service may be discontinued for failure to comply with the terms and conditions of the agreement for repurified water service, including, but not limited to, failure to pay for potable water, repurified water or sewer services provided by Pigeon Forge. (as added by Ord. #1024, Oct. 2016)

**18-503. Discontinuance of service for failure to pay bill.** If any person shall fail to pay their bill for potable water, repurified water or sewer service by the due date shown on such bill, Pigeon Forge may cut off and disconnect repurified water from the premises of the person owning or controlling the property to which such bill relates, and water shall remain cut off and disconnected from such premises until bill shall be paid.

If the water shall be so cut off or disconnected, the same rules that apply for disconnection and reconnection of potable water shall apply.

If any check is returned by any bank for any reason, there shall be a service charge as set forth in Title 18. If service is discontinued due to failure by the customer to make satisfactory restitution for said check, the reconnection fee described in the preceding paragraph shall apply.

Pigeon Forge shall not be liable for any damages resulting from discontinuance of service for failure to pay bill, or from delay in reconnection of service. (as added by Ord. #1024, Oct. 2016)

**18-504. Tapping mains without permission; using unmetered water; tampering with meters, etc.; interfering with installation, operation, etc., of meter.** It shall be unlawful for any person:

(1) To make a tap or connection with any repurified water main of the city or with any pipe connected with any such repurified water main, without first obtaining the consent of Pigeon Forge;

(2) To take, use or consume any repurified water from any such water main or any pipe connected with any such repurified water main, unless such repurified water is regularly metered by a water meter installed, or the installation of which has been approved, by Pigeon Forge;

(3) To tamper in any manner with any such meter, including all fittings and fixtures thereon and connection thereto, or in any respect with the regularly approved installation of same; or,

(4) By the installation or use of any pipe, by-pass, cut-off or other device or by other means whatsoever, to interfere in any manner with the approved installation of any such meter or with the normal operation of any such meter or with the normal registration thereon and thereby of the quantity of water consumed. (as added by Ord. #1024, Oct. 2016)

**18-505. Penalty.** Any person who shall violate or fail to comply with any provision of this chapter shall be penalized as provided herein and by any other applicable regulation and/or law.

In addition, whenever it has been determined that an illegal connection has been made, Pigeon Forge shall charge the owner of the property any costs associated with removing the connection. (as added by Ord. #1024, Oct. 2016)

**18-506. Fees - repurified water.** (1) Schedule of repurified water rates.

(a) Rates established. The schedules of repurified water service fees and usage rates to be charged and collected by the city from consumers of repurified water served by the city and its water and sewer department is hereby fixed and established as follows:

(b) Repurified water monthly service charge.

1 inch meter \$5.00

2 inch or larger meter \$10.00

(c) Repurified water usage rate. The water rate shall be three dollars and twenty six cents (\$3.26) per one thousand (1,000) gallons of consumption. This rate represents one half (1/2) of the current potable water rate in effect inside city limits.

(3) Exemption of first year charges. During the first twelve (12) consecutive month period following initiation of service, customers shall pay the repurified water monthly service charge but shall be exempt from paying the repurified water usage rate.

(e) Conditions. All rates and charges are subject to all rules and regulations of the water and sewer department now or hereafter from time to time in force and effect.

(f) Application of gross rate. The above charge and rates are net, the gross rate and service charge being ten percent (10%) higher. In the event that the current monthly bill is not promptly paid by the due day applicable to and shown on the respective bills rendered, the gross rate shall apply. Generally, the due day shall be ten (10) days after the date of mailing of the respective bills rendered to consumers.

(2) Charges for taps made by city. (a) The charges for repurified water taps made by the Pigeon Forge Utility Department shall be as hereinafter set forth:

(i) Meter connection: In areas where the service line stub has been installed, the charge for a repurified meter connection shall be seven hundred fifty dollars (\$750.00).

(ii) Complete tap: In areas where the water service line stub has not been installed, the charge for a one inch (1") repurified water tap shall be seven hundred fifty dollars (\$750.00). The charge for a two inch (2") repurified water tap shall be twelve hundred fifty dollars (\$1,250.00). A complete tap consists of both the stub and meter connection.

(iii) Large taps: Charges for taps and service lines installed larger than two inch (2") shall be the costs of labor, equipment, and materials.

(b) Delayed connection: If any person paying any such charge for any such repurified water tap shall, within two years thereafter, fail to request the city to make the repurified water tap so paid for, and if in the meantime the charge for such repurified water tap be increased, then such person shall be required to pay to the city such additional amount which, together with the amount already paid, will equal the increased charge then required to be paid for such repurified water tap, before such repurified water tap shall be made or be permitted to be made. (as added by Ord. #1024, Oct. 2016)

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

**1. GAS.**

**CHAPTER 1**

**GAS<sup>1</sup>**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>2</sup>

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<sup>1</sup>Municipal code reference  
Gas code: title 12.

<sup>2</sup>The agreements are of record in the office of the city recorder.

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. MEETINGS ON PUBLIC PROPERTY.
2. INNER CITY TRANSPORTATION FRANCHISE REGULATIONS.
3. CIVIL DEFENSE ORGANIZATION.
4. DEPARTMENT OF TOURISM DEVELOPMENT.
5. MISCELLANEOUS.
6. TELEPHONE SERVICE.
7. PUBLIC CONVEYANCE FRANCHISE.
8. PUBLIC LIBRARY.
9. TREE ORDINANCE.

**CHAPTER 1**

**MEETINGS ON PUBLIC PROPERTY**

**SECTION**

20-101. Meetings on public property.

20-102. Litter and debris.

**20-101. Meetings on public property.** It shall be unlawful to hold any outdoor meetings **FOR THE PURPOSE OF EXPRESSIVE ACTIVITY** on public property, unless a permit for such event has been issued by the city manager.

(1) Application for **USE OF A PARK FOR RALLY, MEETING, OR OTHER EXPRESSIVE ACTIVITY** shall be made to the city manager at least five (5) days prior to the event, and shall contain the following information:

- (a) A description of the event;
- (b) The day and hour of the event;
- (c) Location of the event;
- (d) A reasonable and good-faith approximation of the number of persons expected to attend the event;
- (e) The names and addresses of the persons sponsoring the event;
- (f) Any additional information which the city manager shall find reasonably necessary to a fair determination as to whether a permit should issue.

(2) If the proposed rally or meeting does not comply with rules and regulations for Pigeon Forge parks, the city manager may present alternative locations, times, or other conditions that will comply. The applicant can either accept the city manager's changes or submit a new application within forty-eight (48) hours of the event that does comply with the issues raised by the city manager.

(3) Upon compliance with this section, a permit shall be issued by the city manager. (1979 Code, § 12-401)

**20-102. Litter and debris.** The applicant shall be responsible for all litter and debris left in the area as a result of the activity. Any person violating this section shall be liable for the expense of removing any litter or debris. Payment of a fine shall not relieve such liability. (1979 Code, § 12-402)

## CHAPTER 2

### INNER CITY TRANSPORTATION FRANCHISE REGULATIONS

#### SECTION

- 20-201. Short title.
- 20-202. Definitions.
- 20-203. Certificate of franchise.
- 20-204. Grant of authority.
- 20-205. Fares.
- 20-206. Termination.
- 20-207. Compliance with applicable laws and ordinances.
- 20-208. Territorial area.
- 20-209. Operation and maintenance of system.
- 20-210. Safety requirements.
- 20-211. Transfer of franchise.
- 20-212. Liability and indemnification.
- 20-213. Severability.

**20-201. Short title.** This chapter shall be known as the inner city transportation franchise ordinance. (1979 Code, § 13-401)

**20-202. Definitions.** For the purposes of this chapter, the following terms, phrases, words and their derivation shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:

- (1) "City" is the City of Pigeon Forge, Tennessee.
- (2) "Commissioners" is the Board of Commissioners of the City of Pigeon Forge, Tennessee.
- (3) "Inner city transportation," hereinafter referred to as "system," means a system of bus or trolley car transportation, capable of transporting not less than ten adult persons from points established within the City of Pigeon Forge, Tennessee, along designated courses within the corporate limits.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Grantee" is any person, partnership, firm, association, corporation, company, or organization awarded by resolution of the Board of Commissioners of the City of Pigeon Forge, Tennessee, a franchise to operate an inner city transportation system for the citizens, residents, tourists or visitors for a fee.
- (6) "Franchise fee" is compensation for the permit granted to any grantee for permission to use the streets and public ways of the city and its service area for an inner city transportation system, the grantee shall make

payment to the city an annual amount equal to a percentage of its gross revenues and all sources attributual to the operation of the certificate holder. The actual percentage of the annual gross revenues, which is hereby defined in the same manner in respect as "gross receipts" (previously defined by the appropriate sections of this code) shall be determined by the grant of the certificate of franchise.

(7) "Streets and roadways" is any street, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, alley, or any other public right of way suitable for vehicle traffic within the corporate limits of the city. (1979 Code, § 13-402)

**20-203. Certificate of franchise.** The certificate of franchise awarded by the city shall be in effect for a period of not less than one (1) year nor more than ten (10) years from the date of the award. The franchise may be awarded by a resolution of the city incorporating the specific terms of the franchise and, if desired, authorizing the execution of a contract governing the operations of the inner city transportation system of the grantee by written instrument deemed by the commissioners to be in the best interest of the citizens and residents of the City of Pigeon Forge, Tennessee, and acceptable in terms and conditions to the grantee. (1979 Code, § 13-403)

**20-204. Grant of authority.** The authority granted to the grantee by the city of the right and privilege to create an inner city transportation system for its citizens, residents, visitors and tourists, may be exclusive or nonexclusive in the discretion of the city which may reserve the right to grant a certificate of franchise for similar use by any other grantee for provision of service. The city shall prescribe to the grantee and the grantee shall assume certain duties and obligations of service of inner city transportation setting out minimum quantities, qualities and areas of service. (1979 Code, § 13-404)

**20-205. Fares.** All applicants for a franchise shall submit a full listing of their transportation schedules and service fares. The commissioners must approve these fares and any additional changes during the term of the franchise. (1979 Code, § 13-405)

**20-206. Termination.** The commissioners shall have the right to cancel and terminate the certificate of franchise in the event the grantee fails, within thirty (30) days from written notice thereof by the city, to comply with any material or substantial portion of this chapter, the resolution awarding the certificate of franchise, or the contractual agreement made and entered into by and between the city and the grantee. (1979 Code, § 13-406)

**20-207. Compliance with applicable laws and ordinances.** Grantee shall at all times during the life of the franchise be subject to all lawful exercises

of the police power of the city and to such reasonable regulation as the city may hereinafter provide. (1979 Code, § 13-407)

**20-208. Territorial area.** This franchise relates to the present corporate limits of the city and to any area henceforth added to during the term of the franchise. (1979 Code, § 13-408)

**20-209. Operation and maintenance of system.** The grantee shall render efficient service, make repairs promptly so as to insure an uninterrupted inner city transportation service. Grantee shall maintain an office in the city which shall be open during all usual business hours and have a listed telephone and be so operated that complaints and requests for service may be received during daytime hours at a minimum of forty (40) hours per week. (1979 Code, § 13-409)

**20-210. Safety requirements.** Grantee shall at all times employ ordinary care and shall install and maintain and use, may accept the methods of mass transportation so as to prevent failures or accidents which are likely to cause damage, injuries, or nuisances to the public. (1979 Code, § 13-410)

**20-211. Transfer of franchise.** This certificate shall not be assigned or transferred either in whole or in part or lease, sublet, or mortgaged in any manner, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person, either by act of the guarantee or by operation of law, without the consent of the city. A sale of 49% or more of the shares of the stock in the grantee, in the event the grantee is a corporation, shall be deemed an assignment or transfer within the terms of this chapter and therefor prohibited. (1979 Code, § 13-411)

**20-212. Liability and indemnification.** Any grantee awarded a franchise under this chapter shall be required to make payment of all damages and penalties which the city may be required to pay as the result of the granting of this franchise. (1979 Code, § 13-412)

**20-213. Severability.** Expenses shall be defined to include any and all out of the pocket expenses such as attorney's fees or costs of litigation. The grantee shall maintain a public liability insurance policy with the city as the named insured in a minimum amount deemed appropriate by the commissioners in the award of the certificate of franchise. (1979 Code, § 13-413)

## CHAPTER 3

### CIVIL DEFENSE ORGANIZATION

#### SECTION

- 20-301. Sevier County Civil Defense Organization created.
- 20-302. Authority and responsibilities.
- 20-303. Office of director, his authority and responsibility.
- 20-304. Sevier County Civil Defense Corps created.
- 20-305. No municipal or private liability.
- 20-306. Expenses of civil defense.

**20-301. Sevier County Civil Defense Organization created.** There is hereby created the Sevier County civil defense organization, which shall be a joint operation by the Cities of Pigeon Forge, Sevierville, and Gatlinburg and the County of Sevier for the purpose of organizing and directing civil defense for the citizens of the entire county. All other civil defense agencies within the corporate limits of Sevier County shall be considered as a total part of the county-wide civil defense emergency resources and when such agencies operate out of their corporate limits it shall be at the direction of, subordinate to, and as a part of the Sevier County Civil Defense Organization. (1979 Code, § 1-1001)

**20-302. Authority and responsibilities.** In accordance with federal and state enactments of law, the Sevier County Civil Defense Organization is hereby authorized to assist the regular government of the county and the governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but limited to: storms, floods, fires, explosions, tornadoes, hurricanes, droughts, or peace-time man-made disasters which might occur affecting the lives, health, safety, welfare, and property of the citizens of Sevier County. The Sevier County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Sevier County Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

The Sevier County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Sevier County, to establish and co-ordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1979 Code, § 1-1002)

**20-303. Office of director, his authority and responsibility.** The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayors and county judge, or either, or by higher authority as appropriate.

The director shall have overall responsibility for the preparation of all plans and recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state civil defense office.

The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officers of the cities and the county.

The director shall be responsible to the chief executive officers of the cities and the county for the execution of the authorities, duties, and responsibilities of the Sevier County Defense Organization, for the preparation of all plans, and for recruitment and training of personnel. (1979 Code, § 1-1003)

**20-304. Sevier County Civil Defense Corps created.** The Sevier County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority. It shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1979 Code, § 1-1004)

**20-305. No municipal or private liability.** The duties prescribed in this document is an exercise by the cities and the county of their governmental functions for the protection of public peace, health and safety and neither the Cities of Gatlinburg, Sevierville, or Pigeon Forge, nor Sevier County, nor the agents and representatives of said cities and county, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this document shall be liable for any damage sustained to any person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such estate or premises or for loss of, or damage to, the property of such person. (1979 Code, § 1-1005)

**20-306. Expenses of civil defense.** No person shall have the right to expend any public funds of the cities or the county in carrying out any civil defense activities authorized by this document without prior approval by the governing bodies of the cities or county or both; nor shall any person have any right to bind the cities or the county by contract, agreement, or otherwise without prior and specific approval by the governing bodies of the cities or the county, or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the cities and the county for the operation of the civil defense organization. Control of disbursements will be as prescribed

by agreement between the treasurers of the cities and the county. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the cities and the county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense subject to audit by either of the cities or Sevier County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the cities and the county. (1979 Code, § 1-1006)

## CHAPTER 4

### DEPARTMENT OF TOURISM DEVELOPMENT

#### SECTION

20-401. Department established.

20-402. Purpose of department.

20-403. Funding of department.

20-404. Citizens tourism advisory board of directors established.

20-405. Function of citizens tourism advisory board of directors.

20-406. Appointment of executive director of department of tourism development.

20-407. Fiscal and budgetary requirements.

**20-401. Department established.** There is hereby established a department of tourism development for the purpose of promoting tourist and convention business within the corporate limits of Pigeon Forge, Tennessee. (1979 Code, § 1-1301)

**20-402. Purpose of department.** The department of tourism development shall plan to conduct programs of information and publicity designed to attract to the city, tourists, visitors, and other interested persons from outside of the corporate limits, and to also encourage and coordinate the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same purposes. The department shall supervise the acquisition, construction, remodeling and operations of facilities useful in the attraction and promotion of tourist, convention and recreational businesses. (1979 Code, § 1-1302)

**20-403. Funding of department.** The department shall be funded by the proceeds assessed by the promotion of tourism in the motel and amusement privilege taxes as provided for by Title 5, Chapters 6 and 7 of the Municipal Code of the City of Pigeon Forge, Tennessee. (1979 Code, § 1-1303)

**20-404. Citizens tourism advisory board of directors established.** In order that the city may more effectively operate the department and since the department should have guidance from the private sector, the City of Pigeon Forge does hereby establish a citizen tourism advisory board of directors for the department of tourism. This board shall be comprised of eleven (11) members with the following qualifications or otherwise meeting the following standards:

- (1) City Manager of Pigeon Forge, Tennessee.
- (2) Director of the department of tourism.
- (3) One (1) representative from the private sector engaged in the attractions industry.

(4) One (1) representative from the private sector engaged in the hotel, motel or campground industry.

(5) One (1) representative from the private sector engaged in the restaurant industry.

(6) One (1) representative from the private sector engaged in the retail industry.

(7) One (1) representative from the private sector engaged in the service industry.

(8) One (1) representative from the private sector engaged in the vacation lodging service industry including but not limited to cabins and condos.

(9) Three (3) representatives serving from at large.

This board shall be appointed by the Pigeon Forge Board of Mayor and Commissioners to serve for a term as follows:

(a) A representative from the private sector engaged in the attraction industry for a three (3) year term;

(b) A representative from the private sector engaged in the hotel, motel or campground industry for a three-year term;

(c) A representative from the private sector engaged in the restaurant industry for a three (3) year term;

(d) A representative from the private sector engaged in the retail industry for a three (3) year term;

(e) A representative from the private sector engaged in the service industry for a three (3) year term;

(f) A representative from the private sector engaged in the vacation lodging service industry for a three (3) year term;

(g) Each of the three (3) representatives serving from at large for a two (2) year term;

The City Manager of Pigeon Forge, Tennessee, and the Director of the Department of Tourism of the City of Pigeon Forge, Tennessee for a perpetual term. Expired terms of vacancies are to be filled in the same manner as the original appointments are made. Any vacancy occurring on the board shall be filled for the duration of the unexpired term only.

All members shall serve without compensation except reimbursement for necessary expenses on approval by the board of commissioners (1979 Code, § 1-1304, as amended by Ord. #595, May 1999, and replaced by Ord. #912, Aug. 2010, and Ord. #1068, Dec. 2018)

**20-405. Function of the citizen tourism advisory board of directors.** The role and function of the board shall be advisory in nature, providing guidance and recommendations to the department of tourism, city manager, and board of commissioners, relating to the annual marketing and promotional plans produced by the city's tourism department. The board of directors shall meet when called by the city manager or the executive director of the department of tourism and shall advise and assist the department of

tourism in the approval of marketing plans. The board of directors shall elect a chairman and vice chairman. Accurate minutes of each and every meeting shall be kept by staff. (1979 Code, § 1-1305, as replaced by Ord. #912, Aug. 2010, and Ord. #1068, Dec. 2018)

**20-406. Appointment of executive director of department of tourism development.** The city manager shall appoint an executive director as the administrative head of the department of tourism development. The salary, benefits, job description and all other contractual agreements for the executive director shall be fixed by the city board of commissioners. (1979 Code, § 1-1306)

**20-407. Fiscal and budgetary requirements.** The department of tourism development shall present to the city board of commissioners an annual budget, and any and all expenditures shall be made in accordance with the established budget, and otherwise in the same manner and under the same guidelines provided for the city charter. Funds not used in a fiscal year will be returned to the general fund of the city, if not previously committed for a specific use. The executive director and the department of tourism development citizens advisory board shall prepare and submit to the city board of commissioners an administrative budget and, in addition thereto, are authorized to budget separately any special advertising or promotional budget designed for specific purposes for the city. (1979 Code, § 1-1307)

**CHAPTER 5**

**MISCELLANEOUS**

**SECTION**

20-501. Location of utility poles.

**20-501. Location of utility poles.** Any utility desirous of locating, or relocating, any utility pole within the corporate limits of the City of Pigeon Forge shall first be required to secure approval from the city manager or building official as to the location of said pole except for poles to be located on private property.

It shall be unlawful for any utility to so locate any such pole without approval of the city manager or building official as to its location. (1979 Code, § 13-301)

**CHAPTER 6**

**TELEPHONE SERVICE**

**SECTION**

20-601. To be furnished under franchise.

**20-601. To be furnished under franchise.** Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>1</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

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

CHAPTER 7

PUBLIC CONVEYANCE FRANCHISE

SECTION

20-701. To be furnished under franchise.

**20-701. To be furnished under franchise.** Public conveyance service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>1</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

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

## CHAPTER 8

### PUBLIC LIBRARY

#### SECTION

- 20-801. Creation.
- 20-802. Failure to return materials.
- 20-803. Using fictitious name or address.
- 20-804. Defacing library property.
- 20-805. Penalties.
- 20-806. Library board.
- 20-807. Budget.
- 20-808. Library gifts, grants, and bequests.

**20-801. Creation.** There is hereby created a city library for the City of Pigeon Forge, Tennessee. (as added by Ord. #647, March 2001)

**20-802. Failure to return materials.** It shall be unlawful for any person to detain or fail to return to the city library, any book, periodical, newspaper, plate, engraving, pamphlet, manuscript, pictures, clipping, phonograph record, or other sound recording, motion picture film, black and white film strip, tape, cassette, or other property belonging to the library provided for the public education, use and welfare of the citizens of Pigeon Forge, Tennessee, and the community, after the lapse of thirty (30) days from the date of posting by certified mail a notice addressed to such person at the last address furnished the library, which notice may be given any time after the date of which such person shall have returned the loaned property in accordance with the rules of such library; provided however, that no penalty shall be imposed in any case where restitution of value shall have been made prior to the expiration of said thirty (30) days; nor in any case will the return of any library property herein enumerated has been rendered impossible by cause beyond the control of the borrower. (as added by Ord. #647, March 2001)

**20-803. Using fictitious name or address.** It shall be an offense to give fictitious or incorrect name or address at the city library in order to obtain possession or use of any library property or services. (as added by Ord. #647, March 2001)

**20-804. Defacing library property.** It shall be an offense for any person to cut, write upon, injure, deface, tear or destroy any library property. (as added by Ord. #647, March 2001)

**20-805. Penalties.** Any offense enumerated herein shall be punishable by a fine no greater than \$500.00 in addition to any other remedy available at law. (as added by Ord. #647, March 2001)

**20-806. Library board.** (1) There is hereby created a library board.

(2) The library board shall have the composition required by Tennessee Code Annotated, § 10-3-102.

(3) In the event a vacancy on the library board occasioned by death, resignation, inability, or refusal of a member thereof to serve, in any such event, said vacancy shall be filled for the unexpired term by appointment by the mayor.

(4) The members of the library board shall meet in regular session and organize each year by election from their number, a chairman, vice chairman and a secretary; each person so elected shall hold office for one year or until his successor is elected and qualifies.

(5) The library board shall meet in regular session on the fourth Wednesday of March, June, September, and December at 12:00 noon, at city library. It shall be the duty of the chairman to preside over all meetings of the library board and in the absence of the chairman, the vice chairman shall preside. Any meetings, other than a regular meeting shall be called by the library director, the chairman or by any four (4) members thereof.

(6) Four (4) members of the library board present at a meeting shall constitute a quorum.

(7) The secretary of the library board shall keep a record of all proceedings thereof.

(8) The library board shall serve in an advisory capacity to the library director and shall recommend rules and regulations for the conduct, control, government and operation of the city library. Such rules and regulations shall not be effective until approved by the city manager. (as added by Ord. #647, March 2001, and amended by Ord. #1001, May 2015)

**20-807. Budget.** The library director shall submit to the city manager in accordance with the budget calendar, a proposed library budget. (as added by Ord. #647, March 2001)

**20-808. Library gifts, grants and bequests.** Any gift, bequest or contribution made for the use of the city library shall be deposited with the city treasurer and held by her in trust, to be kept separate from all other city funds and shall be disbursed only upon direction of the library director. (as added by Ord. #647, March 2001)

## CHAPTER 9

### TREE ORDINANCE

#### SECTION

- 20-901. Definitions.
- 20-902. Creation and establishment of a city tree board.
- 20-903. Term of office.
- 20-904. Compensation.
- 20-905. Duties and responsibilities.
- 20-906. Operation.
- 20-907. Street tree species to be planted.
- 20-908. Spacing.
- 20-909. Distance from curbs and sidewalks.
- 20-910. Distance from street corners and fire hydrants.
- 20-911. Utilities.
- 20-912. Public tree care.
- 20-913. Tree topping.
- 20-914. Pruning, corner clearance.
- 20-915. Dead, damaged, or diseased tree removal on private property.
- 20-916. Removal of stumps.
- 20-917. Interference with city tree board.
- 20-918. Liability and bond.
- 20-919. Review by city commission.

**20-901. Definitions.** (1) "Street trees." Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

(2) "Park trees." Park trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park, such as a bike, jogging, or walking trail, or small street or civic garden. (as added by Ord. #663, Nov. 2001)

**20-902. Creation and establishment of a city tree board.** There is hereby created and established a city tree board for the City of Pigeon Forge, Tennessee which shall consist of 5 voting members, who shall be appointed by the mayor. The city manager and the director of parks and recreation shall serve as ex officio members of the board. (as added by Ord. #663, Nov. 2001)

**20-903. Term of office.** The initial appointments to the city tree board shall have the following term limits for the 5 voting members: 1 member shall serve a one (1) year term, 2 members shall serve two (2) year terms, and 2

members shall serve three (3) year terms. Every appointment, thereafter, shall be for a three (3) year term. (as added by Ord. #663, Nov. 2001)

**20-904. Compensation.** Members of the board or related committees shall serve without compensation. (as added by Ord. #663, Nov. 2001)

**20-905. Duties and responsibilities.** The board shall consider, investigate, make findings, report and recommend upon any special matter or questions concerning this ordinance. (as added by Ord. #663, Nov. 2001)

**20-906. Operation.** The board shall meet periodically, but not less than 3 times a year, to discuss pending issues of this ordinance and must document minutes of the proceedings. The board shall choose its own officers and a majority of the members shall be a quorum for the transaction of business. (as added by Ord. #663, Nov. 2001)

**20-907. Street tree species to be planted.** The city tree board will establish and maintain a list of approved street trees in three size categories, including small, medium and large. No species other than those included in the board's current approved list may be planted as street trees without the written permission of the board. (as added by Ord. #663, Nov. 2001)

**20-908. Spacing.** The spacing of street trees will be in accordance with the three species size classes listed in § 20-907 of this ordinance, and no trees may be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; and large trees, 40 feet; except in special plantings designed by a landscape architect and approved by the board. (as added by Ord. #663, Nov. 2001)

**20-909. Distance from curbs and sidewalks.** The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in § 20-907 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 4 feet; large trees, 5 feet. (as added by Ord. #663, Nov. 2001)

**20-910. Distance from street corners and fire hydrants.** No street tree shall be planted closer than 30 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. More stringent restrictions may be necessary where sight distance problems exist. No street tree shall be planted closer than 9 feet from a fire hydrant. (as added by Ord. #663, Nov. 2001)

**20-911. Utilities.** No street trees other than those species listed as small or medium trees in § 20-907 of this ordinance may be planted under or within

10 lateral feet of or inside the easement for any overhead utility wire, or over or within 5 lateral feet of or inside the easement for any underground water line, sewer line, transmission line or other utility. (as added by Ord. #663, Nov. 2001)

**20-912. Public tree care.** The city shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public ways. The city tree board may remove or cause to be removed, any tree or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with §§ 20-907 through 20-911 of this ordinance. This section does not prohibit a public utility from removing any tree or part thereof that intrudes into or over a utility easement or interferes with the operation and maintenance of the utility system. (as added by Ord. #663, Nov. 2001)

**20-913. Tree topping.** It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the city tree board. (as added by Ord. #663, Nov. 2001)

**20-914. Pruning, corner clearance.** Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Lateral pruning methods shall be used when pruning trees. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety to the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign. (as added by Ord. #663, Nov. 2001)

**20-915. Dead, damaged, or diseased tree removal on private property.** The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a

hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees and charge the cost of removal on the owner's property tax notice. (as added by Ord. #663, Nov. 2001)

**20-916. Removal of stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (as added by Ord. #663, Nov. 2001)

**20-917. Interference with city tree board.** It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized by this ordinance. (as added by Ord. #663, Nov. 2001)

**20-918. Liability and bond.** It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city, without first applying for and procuring a business license. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or property damaged from the pursuit of such endeavors as herein described. Individual property owners, working on their own property are exempt from the provisions of this section. (as added by Ord. #663, Nov. 2001)

**20-919. Review by city commission.** The board of commissioners shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may file an appeal on any ruling or order of the city tree board to the board of commissioners, who may hear the matter and make the final decision. (as added by Ord. #663, Nov. 2001)

ORDINANCE NO. 522**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF PIGEON FORGE, TENNESSEE.**

WHEREAS some of the ordinances of the City of Pigeon Forge are obsolete, and

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

WHEREAS the board of commissioners of the City of Pigeon Forge, 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 "Pigeon Forge Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF PIGEON FORGE, AS FOLLOWS:<sup>1</sup>

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

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

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

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<sup>1</sup>Charter reference

Tennessee Code Annotated, § 6-20-214.

providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments 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 city.

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

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) 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."<sup>1</sup>

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<sup>1</sup>State law reference

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

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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 commissioners, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. 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 1st reading 6-24, 1996

Passed 2nd reading 7-8, 1996.

Ralph Chance  
Mayor

Elsie Cole  
Recorder