THE

PLEASANT VIEW

MUNICIPAL

CODE

Prepared by the

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

in cooperation with the

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Change 4 February 13, 2023

TOWN OF PLEASANT VIEW, TENNESSEE

MAYOR

Bill Anderson

VICE MAYOR

Bruce Drake

ALDERMEN

Jill Niccolch

Danny Rediker

Vacant

RECORDER

Lisa Parker

PREFACE

The Pleasant View Municipal Code contains the codification and revision of the ordinances of the Town of Pleasant View, 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 7 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 pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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 Linda Dean, the MTAS Administrative Specialist, on this project is gratefully acknowledged.

Steve Lobertini Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE TOWN CHARTER

- 1. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)
- 2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

Change 4 February 13, 2023

TABLE OF CONTENTS

PAGE

INTRODUCTION

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

CHARTER

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

CODE OF ORDINANCES

CODE-AD	OPTING ORDINANCE OR	D-1
TITLE 1.	GENERAL ADMINISTRATION	1-1
	CHAPTER1. BOARD OF MAYOR AND ALDERMEN2. MAYOR3. CODE OF ETHICS	1-4
TITLE 2.	BOARDS AND COMMISSIONS, ETC.	2-1
	CHAPTER 1. PARKS AND RECREATION BOARD	2-1
TITLE 3.	MUNICIPAL COURT	3-1
	CHAPTER	
	1. CITY JUDGE.	
	2. COURT ADMINISTRATION	
	3. WARRANTS, SUMMONSES AND SUBPOENAS	
	4. BONDS AND APPEALS	3-5

PAGE

TITLE 4.	MUNICIPAL PERSONNEL 4-1
	CHAPTER1. SOCIAL SECURITY4-12. TRAVEL REIMBURSEMENT REGULATIONS4-2
TITLE 5.	MUNICIPAL FINANCE AND TAXATION 5-1
	CHAPTER1. MISCELLANEOUS.5-12. FUND BALANCE POLICY.5-33. DEBT POLICY5-44. PURCHASING POLICY.5-105. HOTEL AND MOTEL OCCUPANCY TAX5-21
TITLE 6.	LAW ENFORCEMENT 6-1
	RESERVED FOR FUTURE USE
TITLE 7.	FIRE PROTECTION AND FIREWORKS 7-1
TITLE 8.	CHAPTER1. FIRE CODE.7-12. AUTOMATIC SPRINKLER SYSTEMS.7-3ALCOHOLIC BEVERAGES8-1
	 CHAPTER 1. RETAIL PACKAGE INTOXICATING LIQUORS AND RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES
TITLE 9.	BUSINESS, PEDDLERS, SOLICITORS, ETC 9-1
	CHAPTER1. PEDDLERS, SOLICITORS, ETC.9-12. CABLE TELEVISION.9-73. MOBILE FOOD VENDORS9-8

PAGE

TITLE 10.	ANIMAL CONTROL 10-	1
	CHAPTER 1. ANIMAL CONTROL REGULATIONS 10-	1
TITLE 11.	MUNICIPAL OFFENSES 11-	1
	CHAPTER 1. MISDEMEANORS OF THE STATE ADOPTED 11- 2. OFFENSES AGAINST THE PEACE AND QUIET 11-	2
TITLE 12.	BUILDING, UTILITY, ETC. CODES 12-	1
	CHAPTER1. BUILDING CODE.12-2. PLUMBING CODE.12-3. GAS CODE12-4. REPEALED5. REPEALED	3
	6. SWIMMING POOL CODE 12-	9
	7. REPEALED8. MECHANICAL CODE9. EXISTING BUILDINGS CODE10. RESIDENTIAL CODE11. ENERGY CONSERVATION CODE12. PROPERTY MAINTENANCE CODE13. ICC PERFORMANCE CODE12-14	3 5 7 8
TITLE 13.	PROPERTY MAINTENANCE REGULATIONS 13-	1
	CHAPTER1. MISCELLANEOUS.13-2. LITTERING REGULATIONS13-3. STRUCTURES UNFIT FOR HUMAN HABITATION13-4. ABANDONED, WRECKED, AND INOPERATIVE MOTOR VEHICLES13-15. EXTERIOR PROPERTY AREAS13-1	3 5 0
TITLE 14.	ZONING AND LAND USE CONTROL 14-	1
	CHAPTER1. MUNICIPAL PLANNING COMMISSION14-2. ZONING ORDINANCE14-3. MUNICIPAL FLOODPLAIN ZONING ORDINANCE14-	3

PAGE

TITLE 15.	MOTOR VEHICLES, TRAFFIC AND PARKING	15-1
	CHAPTER1. PARKING2. SPEED LIMITS3. MISCELLANEOUS4. ENFORCEMENT	$15-3 \\ 15-5$
TITLE 16.	STREETS AND SIDEWALKS, ETC.	16-1
	CHAPTER1. MISCELLANEOUS.2. EXCAVATIONS AND CUTS	16-1 16-3
TITLE 17.	REFUSE AND TRASH DISPOSAL	17-1
	RESERVED FOR FUTURE USE	
TITLE 18.	WATER AND SEWERS	18-1
	CHAPTER 1. SEPTIC TANK CONSTRUCTION SPECIFICATIONS	18-1
TITLE 19.	ELECTRICITY AND GAS	19-1
	RESERVED FOR FUTURE USE	
TITLE 20.	MISCELLANEOUS	20-1
	 CHAPTER 1. SPECIAL EVENTS	
CERTIFICATE OF AUTHENTICITY CERT-		RT-1
APPENDD	ΚΑ	PP-1

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

- 1. BOARD OF MAYOR AND ALDERMEN.
- 2. MAYOR.
- 3. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Fiscal year.
- 1-105. Elections; terms of office.

¹Charter references

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

Municipal code references

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

²Charter references

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

City Administrator: § 6-4-101. Compensation: § 6-3-109.

Duties of Mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

1-101. <u>Time and place of regular meetings</u>. The board of mayor and aldermen shall hold regular meetings at 7:00 P.M. on the second Monday of the month due to the Columbus Day holiday, at Pleasant View City Hall, 1008 Civic Court, Pleasant View, TN 37146. (Ord. #97-17, Dec. 1997, as amended by Ord. #98-9B, Nov. 1998, and replaced by Ord. #21-01, Feb. 2021 *Ch4_02-13-23*, and Ord. #22-04, June 2022 *Ch4_02-13-23*)

1-102. <u>Order of business</u>. At each regular meeting of the board of mayor and aldermen, the following order of business shall be observed unless dispensed by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by city recorder.
- (3) Prayer, as designated by the mayor.
- (4) Pledge of Allegiance, as designated by the mayor.

(5) Consideration of minutes of the previous meeting, and approval or correction.

- (6) Approval of the agenda for the evening.
- (7) Public forum.
- (8) Communications from the mayor.
- (9) Old business
- (10) New business.
- (11) Other business.

(12) Adjournment. (Ord. #03-06, June 2003, as amended by Ord. #04-22, Jan. 2005, and replaced by Ord. #21-01, Feb. 2021 *Ch4_02-13-23*)

1-103. <u>General rules of order</u>. The rules of order and parliamentary procedure contained in <u>Robert's Rules of Order</u>, <u>Newly Revised</u>, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (Ord. #96-1, Oct. 1996)

1-104. <u>Fiscal year</u>. The fiscal year for all operations of the Town of Pleasant View shall be a twelve (12) month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. (Ord. #96-2, Oct. 1996)

1-105. <u>Elections; terms of office</u>. (1) Regular municipal elections shall be conducted on the first Tuesday after the first Monday in November in even numbered years, with the first such election being held on November 3, 1998.

(2) The members of the first board of mayor and aldermen elected on October 1, 1996, shall serve their respective two (2) or four (4) year term for which elected and until their successors are elected and qualified in an election held in accordance with the provisions of the town charter and this section. (3) In accordance with the provisions of <u>Tennessee Code Annotated</u>, § 6-3-101, the number of aldermen is increased from two (2) to four (4). The increase in the number of aldermen shall be accomplished as follows:

(a) For the 2006 municipal election the citizens of the Town of Pleasant View, Tennessee will elect one (1) alderman to fill an unexpired two (2) year term and two (2) aldermen to fill four (4) year terms.

(b) The two (2) aldermen receiving the two (2) highest numbers of votes shall be elected for four (4) year terms of office, which shall expire in November, 2010, or until the successors are elected and qualified.

(c) The aldermen receiving the third highest number of votes shall be elected for an unexpired two (2) year term of office, which shall expire in November, 2008, or until the successors are elected and qualified. (Ord. #96-6, Nov. 1996, as amended by Ord. #98-2, April 1998, and Ord. #06-13, July 2006)

<u>MAYOR¹</u>

SECTION

1-201. Term of office.

1-201. <u>**Term of office**</u>. The mayor shall be elected for a four (4) year term of office, which shall expire in November 2004, or until the successor is elected and qualified. (Ord. #98-2, April 1998)

¹Charter references

For charter provisions related to the mayor, see <u>Tennessee Code Annotated</u>, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Duties of mayor: § 6-3-106.

Vacancies in office: § 6-3-107. Vice-Mayor: § 6-3-107.

CODE OF ETHICS¹

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.

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

Campaign finance: <u>Tennessee Code Annotated</u>, title 2, ch. 10.

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

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

Consulting fee prohibition for elected municipal officials: <u>Tennessee Code</u> <u>Annotated</u>, §§ 2-10-122, 124.

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

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

Ouster law: <u>Tennessee Code Annotated</u>,§ 8-47-101 and the following sections.

1-301. <u>Applicability</u>. This chapter is the code of ethics for personnel of the Town of Pleasant View. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the town. The words "municipal" and "town" or "Town of Pleasant View" include these separate entities. (as added by Ord. #07-02, May 2007)

1-302. <u>Definition of "personal interest</u>." (1) For purposes of §§ 1-303 and 1-304, "personal interest" means:

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

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

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), 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. #07-02, May 2007)

1-303. <u>Disclosure of personal interest by official with vote</u>. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #07-02, May 2007)

1-304. <u>Disclosure of personal interest in non-voting matters</u>. 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

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

policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-02, May 2007)

1-305. <u>Acceptance of gratuities, etc</u>. 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 town:

(4) 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

(5) 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. #07-02, May 2007)

1-306. <u>Use of information</u>. (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. #07-02, May 2007)

1-307. <u>Use of municipal time, facilities, etc.</u> (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 board of aldermen to be in the best interests of the town. (as added by Ord. #07-02, May 2007)

1-308. <u>Use of position or authority.</u> (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the town.

(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 town. (as added by Ord. #07-02, May 2007)

1-309. <u>Outside employment</u>. A full-time employee of the town may not accept any outside employment without written authorization from the department head. (as added by Ord. #07-02, May 2007)

1-310. <u>Ethics complaints</u>. (1) The city attorney is designated as the ethics officer of the town. 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 the attorney's judgment, constitutes a violation of this code of ethics.

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

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the town's board of aldermen, the board of aldermen 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 board of aldermen.

(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. #07-02, May 2007)

1-311. <u>Violations</u>. 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 board of aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-02, May 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. PARKS AND RECREATION BOARD.

CHAPTER 1

PARKS AND RECREATION BOARD

SECTION

2-101. Board established.

2-101. <u>Board established</u>. (1) The board shall consist of five (5) appointed members, along with the mayor, who shall be a member of the board. One (1) member shall be appointed by the board of mayor and aldermen. The remaining members shall be appointed by the mayor.

(2) During the initial meeting of the board, it shall elect a chairperson, vice-chairperson, and secretary. The chairperson shall preside at all of the meetings of the board and shall report to the board of mayor and aldermen on a monthly basis. The vice-chairperson shall act as chairperson in the event the chairperson is not in attendance at a meeting. The secretary shall be responsible for keeping the minutes and other records of the committee.

(3) The committee shall meet on a regular basis.

(4) During the initial meeting of the board it shall develop and adopt by-laws. (as added by Ord. #13-08, Aug. 2013)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

- 1. CITY JUDGE.
- 2. COURT ADMINISTRATION.
- 3. WARRANTS, SUMMONSES AND SUBPOENAS.
- 4. BONDS AND APPEALS.

CHAPTER 1

CITY JUDGE

SECTION

- 3-101. City judge.
- 3-102. Appointment and term.
- 3-103. Qualifications.
- 3-104. Judge pro tem.
- 3-105. Compensation.

3-101. <u>City judge</u>. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed fifty dollars (\$50.00). (Ord. #97-9, Aug. 1997, modified)

3-102. <u>Appointment and term</u>. The city judge designated by the charter to handle judicial matters within the town shall be appointed by the board of mayor and aldermen for a term of four years. Vacancies in the office of city judge arising from resignation, disqualification or for any other reason whatsoever shall be filled in the same manner and for the same term prescribed for the appointment of the city judge. (Ord. #97-9, Aug. 1997)

3-103. <u>**Qualifications**</u>. The city judge shall be licensed by the State of Tennessee to practice law. If the city judge for any reason is no longer entitled to practice law in the State of Tennessee, after his or her appointment, this shall automatically create a vacancy in the office of the city judge. (Ord. #97-9, Aug. 1997)

¹Charter references

City Judge--City Court: § 6-4-301.

3-104. <u>Judge pro tem</u>. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers of the city judge. (Ord. #97-9, Aug. 1997)

3-105. <u>Compensation</u>. The salary of the city judge shall be one hundred and fifty dollars (\$150.00) per month. (Ord. #99-10, June 1999)

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines, penalties, and costs.
- 3-203. Disposition and report of fines, penalties, and costs.
- 3-204. Court costs.

3-201. <u>Maintenance of docket</u>. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (Ord. #97-9, Aug. 1997)

3-202. <u>Imposition of fines, penalties, and costs</u>. All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases. (Ord. #97-9, Aug. 1997)

3-203. <u>Disposition and report of fines, penalties, and costs</u>. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

The court costs for offenses in city court shall be seventy five dollars (\$75.00) per offense. In addition to the court costs, the clerk of the court shall collect all litigation taxes and fees required by sate law. (Ords. #97-9, Aug. 1997 and 97-15, Oct. 1997, as amended by Ord. #00-04, March 2000)

3-204. <u>Court costs</u>. The court costs for offenses in city court shall be one hundred dollars (\$100.00), per offense. In addition to the court costs, the clerk of the court shall collect all litigation taxes and fees required by state law. (as added by Ord. #05-07, May 2005, and amended by Ord. #05-19, Nov. 2005)

¹State law reference

Tennessee Code Annotated, § 8-21-401.

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

- 3-301. Issuance of arrest warrants.
- 3-302. Issuance of summonses.
- 3-303. Issuance of subpoenas.

3-301. <u>Issuance of arrest warrants</u>.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ord. #97-9, Aug. 1997)

3-302. <u>Issuance of summonses</u>. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (Ord. #97-9, Aug. 1997)

3-303. <u>Issuance of subpoenas</u>. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (Ord. #97-9, Aug. 1997)

¹State law reference

For authority to issue warrants, see <u>Tennessee Code Annotated</u>, title 40, chapter 6.

BONDS AND APPEALS

SECTION

- 3-401. Appearance bonds authorized.
- 3-402. Appeals.
- 3-403. Bond amounts, conditions, and forms.

3-401. <u>Appearance bonds authorized</u>. (1) <u>Deposit allowed</u>. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, 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 the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) <u>Receipt to be issued</u>. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in city court, and shall state such periods of validity on its face.

(3) <u>Failure to appear--disposition of license</u>. In the vent that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of <u>Tennessee Code Annotated</u>, § 55-50-801, <u>et seq</u>. (Ord. #97-9, Aug. 1997)

3-402. <u>Appeals</u>. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (Ord. #97-9, Aug. 1997)

(continued...)

¹State law reference

3-403. <u>Bond amounts, conditions, and forms</u>. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed the sum of two hundred and fifty dollars (\$250.00), and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the country. No other type bond shall be acceptable. (Ord. #97-9, Aug. 1997)

^{(...}continued) <u>Tennessee Code Annotated</u>, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.

2. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY

SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Exclusions.

4-101. <u>Policy and purpose as to coverage</u>. It is the purpose of the Town of Pleasant View to extend as of the date hereinafter set forth to employees and officials thereof, not excluded by law or this chapter whether employed in connection with a governmental or proprietary function, the benefits of the Federal System of Old Age, Survivors, Disability, Health Insurance, as authorized by the Social Security Act and amendments thereto, including Public Law 734-81st Congress. In pursuance of said policy and for that purpose the said town shall take such action as may be required by applicable federal/state laws or regulations. (Ord. #97-6, May 1997)

4-102. <u>Necessary agreements to be executed</u>. The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Director of Old Age Survivors Insurance Agency, State of Tennessee, as agent or agency, to provide coverage of the employees and officials as provided in § 4-101 hereof, effective October 1, 1996. (Ord. #97-6, May 1997)

4-103. <u>Exclusions</u>. To exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election official and election worker if the remuneration paid for such services in a calendar year is less than one thousand dollars (\$1,000.00) effective October 1, 1996, or on the date a state modification is mailed to the Social Security Commissioner, to be adjusted and determined under section 218(c)(8(B) of the Social Security for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. (Ord. #97-6, May 1997)

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-201. Enforcement.
- 4-202. Travel policy.
- 4-203. Travel reimbursement rate schedule.
- 4-204. Administrative procedures.

4-201. <u>Enforcement</u>. The mayor or his designee shall be responsible for the enforcement of these travel regulations. (Ord. #96-7, Dec. 1996)

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

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

(3) Authorized travelers can either request a travel advance for the projected cost of the authorized travel, or advance billing directly to the town for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It being the responsibility of the mayor to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the town business for which travel was authorized, and

(b) Actual, reasonable, and necessary under the circumstances. The mayor may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

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

(8) Any person attempting to defraud or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. #96-7, Dec. 1996)

4-203. <u>**Travel reimbursement rate schedules**</u>. Authorized travelers shall be reimbursed according to the state travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #96-7, Dec. 1996)

4-204. <u>Administrative procedures</u>. The town adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by MTAS to, and approved by the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder. (Ord. #96-7, Dec. 1996)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

- 1. MISCELLANEOUS.
- 2. FUND BALANCE POLICY.
- 3. DEPT POLICY.
- 4. PURCHASING POLICY.
- 5. HOTEL AND MOTEL OCCUPANCY TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for town funds.

5-102. Public advertising and competitive bidding.

5-101. <u>Official depository for town funds</u>. The following financial institutions are hereby designated as official depositories of the Town of Pleasant View funds:

Institution	Address
First Union Cheatham State Bank	Pleasant View, TN
State of Tennessee Local Government Investment Pool Official Depository	P.O. Box 8785, Nashville, Tennessee 37219-8785
First Federal Savings Bank	6425 Highway 41-A, Pleasant View, Tennessee 37146
Community Bank and Trust Company of Cheatham County	501 South Main Street, Ashland City, Tennessee 37015

(Ord. #96-3, Oct. 1996, as amended by Ords. #99-8, June 1999, #00-02, January 2000, and #02-03, May 2002)

¹Charter references

For specific charter provisions on depositories of municipal funds, see <u>Tennessee Code Annotated</u>, § 6-4-402.

5-102. <u>Public advertising and competitive bidding</u>. The dollar amount required for public advertising and competitive bidding pursuant to <u>Tennessee Code Annotated</u>, § 6-56-301, <u>et seq</u>., is five thousand dollars (\$5,000.00) pursuant to <u>Tennessee Code Annotated</u>, § 6-56-306.

References in the purchasing procedures for the Town of Pleasant View as adopted in Resolution 97-1,¹ to two thousand five hundred dollars (\$2,500.00) shall be deemed a reference to five thousand dollars (\$5,000.00) as established by this section. (Ord. #99-11, June 1999)

¹Resolution #97-1 is of record in the office of the city recorder.

FUND BALANCE POLICY

SECTION

5-201. General fund.

5-202. Other governmental funds.

5-203. Governmental fund balances beginning year of implementation.

5-201. <u>General fund</u>. It is the town's policy to first use "restricted" fund balance prior to the use of "unrestricted" fund balance when an expense is incurred for purposes for which both restricted and unrestricted funds are available. When there are committed and assigned components of "unrestricted" fund balance, it is the town's policy to use committed amounts first, followed by assigned amounts and then unassigned amounts when expenditures are incurred for purposes for which amounts in any of those unrestricted fund balance classifications could be used. It is the mayor and board of aldermen's intention to keep a balance of at least ten percent (10%) of expenditures in the fund balance at all times unless an emergency situation transpires. (as added by Ord. #11-06, Aug. 2011, and amended by Ord. #13-01, May 2013)

5-202. <u>Other governmental funds</u>. In all other governmental funds, other than the general fund, interest income, if any, will be utilized first followed by restricted, committed and assigned revenues when an expense is incurred for purposes for which both restricted and unrestricted funds are available. Transfers to other funds are considered committed for these purposes. (as added by Ord. #11-06, Aug. 2011, and amended by Ord. #13-01, May 2013)

5-203. <u>Governmental fund balances beginning year of implementation</u>. In the initial GASB 54 implementation year, beginning fund balances for governmental funds, except for the general fund, will be classified as restricted. Beginning fund balance in the general fund will be classified as unassigned. (as added by Ord. #11-06, Aug. 2011, and amended by Ord. #13-01, May 2013)

DEBT POLICY¹

SECTION

- 5-301. Definition of debt.
- 5-302. Approval of debt.
- 5-303. Transparency.
- 5-304. Role of debt.
- 5-305. Types and limits of debt.
- 5-306. Use of variable rate debt.
- 5-307. Use of derivatives.
- 5-308. Costs of debt.
- 5-309. Refinancing outstanding debt.
- 5-310. Professional services.
- 5-311. Conflicts.
- 5-312. Review of policy.
- 5-313. Compliance.

5-301. <u>Definition of debt</u>. All obligations of the town to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of town resources. This includes but is not limited to notes, bonds, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (as added by Ord. #11-09, Nov. 2011)

5-302. <u>Approval of debt</u>. Pursuant to state law, bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the town's board of mayor and aldermen prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the Comptroller's Office prior to issuance. Capital or equipment leases may be entered into by the board of mayor and aldermen; however, details on the lease agreement will be forwarded to the Comptroller's Office on the specified form within forty-five (45) days. (as added by Ord. #11-09, Nov. 2011)

¹State law references

<u>Tennessee Code Annotated</u>, part 9. Contracts, leases and lease purchase agreements.

<u>Tennessee Code Annotated</u>, part 21. Local government public obligations law.

5-303. <u>**Transparency**</u>. (1) The town shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required local newspaper, bulletin boards, and website.

(3) All costs (including principal, interest, issuance, continuing, and one-time) shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled council meeting.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled council meeting.

(5) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled council meeting.

(6) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled council meeting. (as added by Ord. #11-09, Nov. 2011)

5-304. <u>Role of debt</u>. (1) Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the town will minimize the use of short-term cash flow borrowing by maintaining adequate working capital and close budget management.

(2) In accordance with generally accepted accounting principles and state law:

(a) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (as added by Ord. #11-09, Nov. 2011)

5-305. <u>Types and limits of debt</u>. (1) A town property tax must be in place before debt may be issued that:

(a) Matures in more than twelve (12) fiscal years from the fiscal year of issuance, inclusive of renewals and extensions; or

(b) Causes the aggregate amount of debt outstanding (including the proposed debt) to exceed one million dollars (\$1,000,000.00).

(2) In the occurrence of a catastrophic event (i.e., tornado, earthquake, flood, or other natural disaster) the borrowing limit shall not be in effect for this type of event.

(3) The town will seek to limit total outstanding debt obligations to twenty-five percent (25%) of the assessed value of the town, excluding overlapping debt, enterprise debt, and revenue debt as determined by the annual audit.

(4) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(5) The town's total outstanding debt obligation will be monitored and reported to the board of mayor and aldermen on an annual basis during the budget approval process by the city recorder. The city recorder shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The city recorder shall also report to the board of mayor and aldermen any matter that adversely affects the credit or financial integrity of the town.

(6) The town has issued capital outlay notes in the past and is authorized to issue general obligation bonds, revenue bonds, tax increment financing, loans, notes and other debt allowed by law, as it determines most appropriate.

(7) The town will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(8) As a rule, the town will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the town may utilize non-level debt methods. However, the use of such methods will be thoroughly discussed in a public meeting and will be approved only if the mayor and board of aldermen determine such use is justified and in the best interest of the town.

(9) The town may use capital leases to finance short-term projects of five (5) years or less. (as added by Ord. #11-09, Nov. 2011)

5-306. <u>Use of variable rate debt</u>. (1) The town recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the town also recognizes there are inherent risks associated with the use of variable rate debt and chooses not to use variable rate debt.

(3) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of use of such rates must be submitted to the board of mayor and aldermen; and

(b) The board of mayor and aldermen must adopt a specific amendment to this policy concerning the use of variable interest rates. (as added by Ord. #11-09, Nov. 2011)

5-307. <u>Use of derivatives</u>. (1) The town chooses not to use derivative or other exotic financial structures in the management of the town's debt portfolio.

(2) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the board of mayor and aldermen; and

(b) The board of mayor and aldermen must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (as added by Ord. #11-09, Nov. 2011)

5-308. <u>Costs of debt</u>. (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the board of mayor and aldermen in accordance with the notice requirements stated above.

(2) In case of non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded, i.e. general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes.

(4) The city recorder will file necessary disclosure documents, including disclosure of costs to the Comptroller's Office as required by law. (as added by Ord. #11-09, Nov. 2011)

5-309. <u>Refinancing outstanding debt</u>. (1) The town will refund debt when it is in the best financial interest of the town to do so, and the city recorder shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the board of mayor and aldermen, and all plans for current or advance refunding or debt must be in compliance with state laws and regulations.

(2) The city recorder will consider the following issues when analyzing possible refunding opportunities:

(a) Onerous restrictions. Elimination of onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) Economic purposes. Restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the city recorder if the refunding generates positive present value savings, and the city recorder must establish a minimum present value savings threshold for any refinancing.

(c) Terms. Maintenance of the term of the originally issued debt; consideration of maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The city recorder may also consider shortening the term of the originally issued debt to realize greater savings. (as added by Ord. #11-09, Nov. 2011)

5-310. <u>Professional services</u>. The town shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the town and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(1) <u>Counsel</u>. If the town chooses to hire an attorney other than the city attorney, it shall enter into an engagement letter agreement with each lawyer or law firm representing the town in a debt transaction.

(2) <u>Financial advisor</u>. If the town chooses to hire financial advisors, the town shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions. Whether in a competitive or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance.

(3) <u>Underwriter</u>. If there is an underwriter, the town shall require the underwriter to clearly identify itself in writing (e.g., in a response to a request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the town with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the town. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the city recorder in advance of the pricing of the debt. (as added by Ord. #11-09, Nov. 2011)

5-311. <u>Conflicts</u>. (1) Professionals involved in a debt transaction hired or compensated by the town shall be required to disclose to the town existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, bond counsel, trustee, paying agent, liquidity or credit enhancement provider, and underwriter), as well as conduit issuers, sponsoring organizations and program administrators.

This disclosure shall include that information reasonably sufficient to allow the town to appreciate the significance of the relationships.

(2) Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (as added by Ord. #11-09, Nov. 2011)

5-312. <u>**Review of policy**</u>. This policy shall be reviewed annually by the board of mayor and aldermen with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with the opportunity for public input. (as added by Ord. #11-09, Nov. 2011)

5-313. <u>Compliance</u>. The city recorder is responsible for ensuring substantial compliance with this policy. (as added by Ord. #11-09, Nov. 2011)

CHAPTER 4

PURCHASING POLICY

SECTION

- 5-401. General policies.
- 5-402. Required board approvals.
- 5-403. Purchase order.
- 5-404. Emergency procedures.
- 5-405. Sealed bids or proposals.
- 5-406. Non-performance policy.
- 5-407. Delinquent delivery.
- 5-408. Contractual purchase.
- 5-409. Items covered by warranty or guarantee.
- 5-410. Signatures.
- 5-411. Sale of surplus property.
- 5-412. Inspection and testing.
- 5-413. General information.
- 5-414. Definitions.

5-401. <u>General policies</u>. As designated in section 6-3-106(b)(3) of the charter of the Town of Pleasant View, the mayor shall act as purchasing agent for the town, with power, except as set out in these procedures, to purchase materials, supplies, and equipment; secure leases and lease-purchases; and dispose of and transfer surplus property for the proper conduct of the town's business. All contracts, leases, and lease-purchase agreements extending beyond the end of any fiscal year must have prior approval of the governing body.

(1) <u>Purchase of up to \$1,000.00</u>. The purchasing agent shall have the authority to make purchases, leases, and lease purchases of up to one thousand dollars (\$1,000.00) singly or in the aggregate during any fiscal year, and whenever possible, should attempt to base such purchases, leases, and lease purchases upon three (3) competitive bids or quotations, either verbal or written. All competitive bids or quotations received shall be recorded and maintained in the office of the purchasing agent for a minimum of two (2) years after audit.

(2) <u>Purchases of between \$1,000.00 and \$10,000.00</u>. Any purchases, leases, or lease purchases of more than one thousand dollars (\$1,000.00) and less than ten thousand dollars (\$10,000) singly or in the aggregate during any fiscal year must receive prior approval of the board and, except as otherwise provided herein, shall require three (3) competitive bids or quotations received and shall be recorded and maintained in the office of the purchasing agent for a minimum of two (2) years after audit. Awards shall be made to the lowest responsible bidder.

(3) <u>Purchases of \$10,000.00 or more</u>. (a) A description of all projects or purchases, except as herein provided, which require the expenditure of town funds of ten thousand dollars (\$10,000.00) or more, shall be prepared by the purchasing agent and submitted to the governing body for authorization to call for bids and proposals. After the determination that adequate funds are budgeted and available for a purchase, the governing body may authorize the purchasing agent to advertise for bids or proposals. The award of purchases, leases, or lease-purchases of ten thousand dollars (\$10,000.00) or more shall be made by the governing body to the lowest responsible bidder.

(b) Purchases of ten thousand dollars (\$10,000.00) or more, which do not require public advertising and sealed bids or proposals, may be allowed only under the following circumstances and, except as otherwise provided herein, when such purchases are approved by the governing body:

(i) Sole source of supply or proprietary products as determined after complete search by using department and the purchasing agent, with governing body approval;

(ii) Emergency expenditures with subsequent notification to the governing body;

(iii) Purchases from instrumentalities created by two (2) or more cooperating governments;

(iv) Purchases from non-profit corporations whose purpose or one of whose purposes is to provide goods or services specifically to municipalities;

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

(vi) 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;

(vii) Purchases through other units of governments as authorized by the Municipal Purchasing Law of 1983;

(viii) Purchases directed through or in conjunction with the State Department of General Services;

(ix) Purchases from Tennessee state industries;

(x) Professional service contracts as provided in <u>Tennessee Code Annotated</u>, §§ 12-3-1209 and 12-4-107;

(xi) Tort Liability Insurance as provided in <u>Tennessee</u> <u>Code Annotated</u>, § 29-20-407; or

(xii) Purchases of fuels, fuel products, or perishable commodities;

(xiii) Purchases of used or second hand equipment from any private individual or entity without bidding if the town documents the price is no more than five percent (5%) of the general range of

value within the documented range of a nationally recognized publication or through a licenses appraiser provided in <u>Tennessee</u> <u>Code Annotated</u>, § 12-3-1202;

(xiv) Purchases from the contract awarded by another city after it followed its public advertising and competitive bidding procedures <u>Tennessee Code Annotated</u>, § 12-3-1203;

(xv) Authority by <u>Tennessee Code Annotated</u>, § 12-3-1205 for the town, by resolution, to enter into master agreements for purchasing;

(xvi) Purchases made at public auctions <u>Tennessee Code</u> <u>Annotated</u>, § 12-4-1006;

(xvii) Purchases made through competitive reverse auctions <u>Tennessee Code Annotated</u>, § 12-3-1208.

(3) The purchasing agent shall be responsible for following these procedures and the Municipal Purchasing Law of 1983, as amended, including keeping and filing required records and reports, as if they were set out herein and made a part hereof and within definitions of words and phrases from the law as herein defined. (as added by Ord. #14-01, March 2014)

5-402. <u>Required board approvals</u>. As outlined in § 5-401, prior approval from the board of mayor and aldermen is required for all purchases, leases, and lease-purchases in excess of one thousand dollars (\$1,000.00) singly or in the aggregate during any fiscal year. The treasurer is not required to receive prior approval from the board before actually paying bills that are:

(1) Related to any purchases of less than one thousand dollars (\$1,000.00);

(2) Related to any purchases previously approved by the board; or

(3) Payments required in accordance with contracts previously approved by the board. (as added by Ord. #14-01, March 2014)

5-403. Purchase order. (1) <u>Purpose</u>. Purchase orders shall be required for any purchase exceeding one hundred dollars (\$100.00). A purchase order authorizes the seller to ship and invoice the materials and services as specified. Purchase orders shall be written in a clear, concise, and complete manner. This will prevent confusion and unnecessary correspondence with suppliers.

(2) <u>When prepared</u>. Purchase orders are issued only after a purchasing request has been approved by the purchasing agent and the treasurer. No purchase order will be issued until the treasurer has certified adequate funds and cash balances to make the purchase, except as otherwise mentioned.

(3) <u>Who issues the purchase order</u>. The purchasing agent issues purchase orders, except as otherwise provided herein. The using departments will not enter into negotiations with suppliers for the purchase of equipment, supplies, materials, services, or other items, except under the emergency purchase procedures and as otherwise provided herein. (4) <u>How purchase orders are handled</u>. The purchase order is prepared in three (3) copies: white, yellow, and pink.

(a) The white copy is mailed to the vendor to be used as authority to furnish the city the materials or services indicated.

(b) The yellow copy is kept by the purchasing agent and filed as record of outstanding orders. When paid, the yellow copy will be marked properly and put in a completed file in numerical order.

(c) The pink copy is sent to the department head making the request, to be held until the goods or services are received. Upon completion of the order or contract, the pink copy will be signed and invoices and material receiving report attached. This copy is sent to the purchasing agent for discounting and processing for payment.

(5) <u>Cancellations</u>. The purchasing agent must initiate all cancellation and will issue a purchase order to the next best vendor or renew the purchasing process. (as added by Ord. #14-01, March 2014)

5-404. <u>Emergency procedures</u>. (1) <u>Purpose</u>. Emergency purchases are to be made by the purchasing agent only when normal functions and operations of the town would be hampered by following the standard purchasing procedure or where property, equipment, or life are endangered through unexpected circumstances and materials, services, etc., are needed immediately.

(2) <u>Who makes them</u>? Emergency purchases, either verbal or written, may be made directly by the mayor without competitive bids, provided sufficient funds are available and necessary approvals have been secured.

(3) <u>Who authorizes</u>? The mayor may authorize an emergency purchase.

(4) <u>How to make</u>. After determining a true emergency exists, the following procedure should be used:

(a) Notify the mayor of the need and nature of the emergency. The mayor will give verbal approval.

(b) Officers must use sound judgment about prices when making emergency purchases of materials and supplies and for labor or equipment. Orders should be placed with vendors who have a good track record with the town.

(c) Suppliers shall furnish sales tickets, delivery slips, invoices, etc., for the supplies or services rendered. Terms of the transactions, indicating price and other data, shall be shown.

(d) As soon as the buy is complete, on the same or following business day, the officer must:

(i) Give the purchasing agent the sales ticket, delivery slips, and invoices confirming the purchase.

(ii) Prepare a report to the chief executive officer and the governing body specifying the amount paid, the item(s) purchased, from whom the purchase(s) was made, and the nature of the emergency.

(5) <u>General information</u>. Emergency purchases are costly and should be kept to a minimum. Avoiding emergency orders will save the city money. (as added by Ord. #14-01, March 2014)

5-405. <u>Sealed bids or proposals</u>. Sealed bids are required on purchases of ten thousand dollars (\$10,000.00) or more. Bids must be advertised in a local newspaper of general circulation a minimum of one (1) time not less than five (5) days before bid opening date. In determining when to publish the public bid notice, the purchasing agent should consider the complexity of the purchase or project to insure that all prospective bidders will have sufficient time to obtain the bid documents and prepare completed bids.

(1) The purchasing agent shall be responsible for:

- (a) Prepare bid requests.
- (b) Establish date and time for bid opening.

(c) Select possible sources of supply.

(d) Prepare specifications (unless of a technical nature, such as architectural, engineering, etc.).

(e) Mail bid requests and advertise as appropriate. If delivered by hand, a receipt of the bid request should be signed by the vendor.

(f) Receive and open bids.

(g) Evaluate bids.

(h) Prepare bids and make recommendation on award to governing body for approval.

- (i) Process purchase order after governing body approval.
- (j) Maintain all specification and bid data files.

(2) The following policies shall apply to sealed bids:

(a) Bid or proposal opening. Bids will be opened at the time and date specified on the bid request. All bids are opened publicly and read aloud, with a tabulation provided to all vendors participating. Proposals for extensive systems, complicated equipment, or construction projects, with prior approval of the governing body, may be opened privately in cases where the disclosure of the contents of the proposal could not be readily evaluated and would have negative impact on both the vendor and the city.

(b) Late bids. No bids received after closing time will be accepted. All late bids will be returned unopened to the vendor. Bids postmarked on the bid opening date but received after the specified time will be considered late and will be returned unopened.

(c) Bid opening schedule. The purchasing agent is responsible for setting bid opening dates and times.

(d) Telephone bids. The purchasing agent shall not accept any bid by telephone.

(e) Bid form. The purchasing agent shall send duplicate copies of bid request forms to each bidder, thereby enabling the bidder to return

one and maintain a file copy. Bids won't be accepted on any vendor letterhead, vendor bid form, or other substitutions unless special permission is given by the purchasing agent.

(f) Unsigned bids. Failure of a vendor representative to sign a bid proposal removes that bid from consideration. A typed official's name won't be acceptable without that person's written signature.

(g) Acceptance of bids. The city reserves the right to reject any or all bids, to waive any irregularities in a bid, to make awards to more than one (1) bidder, to accept any part or all of a bid, or to accept that bid (or bids) which in the judgment of the governing body is in the best interest of the city.

(h) Shipping charges. Bids are to include all shipping charges to the point of delivery. Bids will only be considered on the basis of delivered price, except as otherwise authorized by the governing body.

(i) Sample product policy. The purchasing agent may request a sample product as part of a bid. If this is stated on the bid proposal form, the vendor is required to comply with this request or have the bid removed from consideration.

(j) Approved equal policy. Specifications in the request for bid are intended to establish a desired quality or performance level or other minimum requirements that will provide the city with the best product available a the lowest possible price.

When a brand name and/or model is designated, it signifies the minimum quality acceptable. If an alternate is offered, the bidder must include the brand name or model to be furnished, along with complete specifications and descriptive literature and, if requested, a sample for testing. Brands and/or models other than those designated as "equal to" products shall receive equal consideration.

(k) Alternate bids. Should it be found, after bids have been opened, that a product has been offered with an alternative specification and that this product would be better for the city to use, all bids for that item may be rejected and specifications re-drawn to allow all bidders an equal opportunity to submit bids on the alternate item.

(l) Vendor identification. Potential suppliers are selected from existing vendor files, using department's suggestions, and any and all sources available to locate vendors related to a specific product or service. New suppliers are added to the bid list as they are found.

(m) Tie bids. A tie bid is one in which two (2) or more vendors bid identical items at the same unit cost. Tie bids may be determined by one (1) of the following factors:

- (i) Discount allowed;
- (ii) Delivery schedule;
- (iii) Previous vendor performance;
- (iv) Vendor information;

(v) Trade-in value offered.

(n) Cancellation of invitation for bid or request for proposal. An invitation to bid, a request for proposal, or other solicitations may be canceled, or any or all bids or proposals may be rejected in part as may be specified in the solicitation when it is in the best interest of the city. The reasons shall be made a part of the bid or proposal file.

(o) Public advertisement. In addition to publication in a newspaper of general circulation as required by law, the purchasing agent may make any other efforts to let all prospective bidders know about the invitation to bid. This may be accomplished by delivery, verbally, mail, or by posting the invitation to bid in a public place. It's not required that specifications be included in the invitation to bid. However, this notice should state clearly the purchase to be made.

(p) Sealed bids and sealed proposals. Where a particular situation warrants a deviation from the strict sealed bidding requirements, the town reserves the right call for sealed proposals as discussed in the following excerpt taken from <u>The Model Procurement</u> <u>Code for State and Local Governments</u>. American Bar Association, February, 1979, pages 21-22.

(i) Competitive sealed bidding as defined in this Code, is the preferred method of procurement. Although the formal sealed bid process should remain a standard in public purchasing, there is a place for competitive negotiation (State and Local Government Purchasing. The Council of State Governments (1975) at 2.2). The competitive sealed proposal method (similar to competitive negotiation) is available for use when competitive sealed bidding is either not practicable or not advantageous.

(ii) Both methods assure price and product competition. The use of functional or performance specifications is allowed under both methods to facilitate consideration of alternative means of meeting [state] needs (with evaluation and where appropriate) on the basis of total or life cycle costs. The criteria to be used in the evaluation process under either method must be fully disclosed in the solicitation. Only criteria disclosed in the solicitation may be used to evaluate the items bid or proposed.

(iii) These two (2) methods of source selection differ in the following ways:

(A) Under competitive sealed bidding, judgmental factors may be used only to determine if the supply, service, or construction item bid meets the purchase description. Under competitive sealed proposals, judgmental factors may be used to determine not only if the items being offered meet the purchase description, but may also be used to evaluate competing proposals. The effect of this different

use of judgmental evaluation is that under competitive sealed bidding, once the judgmental evaluation is completed, award is made on a purely objective basis to the lowest responsive and responsible bidder. Under competitive sealed proposals, the quality of competing products or services may be compared and tradeoffs made between price and quality of the products or services offered (all set forth in the solicitation). Award under competitive sealed proposals is then made to the responsible offer or whose proposal is most advantageous to the city.

(B) Competitive sealed bidding and competitive sealed proposals also differ in that, under competitive sealed bidding, no change in bids is allowed once they have been opened, except for correction of errors in limited circumstances. The competitive sealed proposal method on the other hand, permits discussions after proposals have been opened to allow clarification and changes in proposals provided that adequate precautions are taken to treat each offer or fairly and to ensure that information gleaned from competing proposals is not disclosed to other offers.

(3) In addition to price, the following points should be considered when awarding a bid:

(a) The ability of the bidder to perform the contract or provide the material or service required;

(b) Whether the bidder can perform the contract or provide the material or service promptly or within the time specified, without delay or interference;

(c) The character, integrity, reputation, experience, and efficiency of the bidder;

(d) The previous and existing compliance, by the bidder, with laws and ordinances relating to the contract or service;

(e) The ability of the bidder to provide future maintenance and service for the use of the subject contract;

(f) Terms and conditions stated in bid; and

(g) Compliance with specifications or request for proposal. (as added by Ord. #14-01, March 2014)

5-406. <u>Non-performance policy</u>. Failure of a bidder to complete a contract, bid, or purchase order in the specified time agreed on, or failure to provide the service, materials, or supplies required by such contract, bid, or purchase order, or failure to honor a quoted price on services, materials, or supplies on a contract, bid, or purchase order may result in one or more of the following actions:

(1) Removal of a vendor from bid list for a period to be determined by the governing body;

(2) Allowing the vendor to find the needed item for the city from another supplier at no additional cost to the city;

(3) Allowing the city to purchase the needed services, materials, or supplies from another source and charge the vendor for any difference in cost resulting from this purchase; and/or

(4) Allowing monetary settlement. (as added by Ord. #14-01, March 2014)

5-407. Delinquent delivery. Once the purchasing agent has issued a purchase order, no follow-up work should be done unless the using department says the items haven't been received. If this happens, the purchasing agent will initiate action, either written or verbal as time allows, to investigate the delay. The using department will be advised of any further problems or a revised delivery date. (as added by Ord. #14-01, March 2014)

5-408. <u>Contractual purchase</u>. Such materials, supplies, or services that are constantly needed for city operations will be taken on a formal bid and will be awarded by the governing body for a contract period determined to be in the best interest of the city. This procedure shall be used in cases where the amount of the purchase of said materials, supplies, or services will be ten thousand dollars (\$10,000.00) or more within the fiscal year. For amounts below ten thousand dollars (\$10,000.00), the award will be made in accordance with procedures described in § 5-401. (as added by Ord. #14-01, March 2014)

5-409. <u>Items covered by warranty or guarantee</u>. The town may buy many items that have a warranty or guarantee for a certain length of time, such as tires, batteries, water heaters, roofs, and equipment. Before these items are repaired or replaced, the purchasing agent should be consulted to see if the item is covered by such warranty or guarantee.

The purchasing agent shall maintain an active current file with complete information on such warranties or guarantees. All warranties must be remitted to the purchasing agent with the invoice indicating date of receipt. (as added by Ord. #14-01, March 2014)

5-410. <u>Signatures</u>. Contracts, applications for title, tax exemption certificates, agreements, and contracts for utilities shall not be signed by any city employee unless authorized in writing by the purchasing agent, by action of the governing body, or by town charter. (as added by Ord. #14-01, March 2014)

5-411. <u>Sale of surplus property</u>. When a department head decides there is excess equipment or material in the department, he or she shall notify

the purchasing agent in writing. The purchasing agent will figure out the best way to dispose of those items with an estimated value of less than one hundred dollars (\$100.00) and let the department head know. Items with an estimated value of more than one hundred dollars (\$100.00) may be advertised for bidding, which will begin after the purchasing agent has received approval from the governing body. Items may also be sold at public auction and/or by the online service of govdeals.com as alternate equipment disposal methods. Such equipment or materials will be sold to the highest bidder.

However, the purchasing agent may transfer surplus equipment or material from one department to another. He or she must be sure the finance officer knows about the transfer or sales. With approval of the governing body, equipment or material may also be sold at public auction. (as added by Ord. #14-01, March 2014)

5-412. <u>**Inspection and testing**</u>. When necessary, the purchasing agent may have all deliveries of supplies, materials, equipment, or contractual services inspected to be sure their performance is meeting specifications made in an order or contract.

The purchasing agent may also require chemical and physical tests of materials submitted with bids and delivery samples, or after products have been delivered. These tests may be necessary to be sure the quality of materials is up to the desired standards. When performing such tests, the purchasing agent may use lab facilities of any outside lab. (as added by Ord. #14-01, March 2014)

5-413. <u>General information</u>. (1) <u>Federal excise tax</u>. The city is exempt from the payment of excise taxes imposed by the federal government, and suppliers should be requested to deduct the amount of such taxes from their bids, quotations, and invoices.

(2) <u>Standardization requirements</u>. Standardizing supplies and materials that can be bought in large quantities can save a great deal of money. Thus, department heads should adopt as standards the minimum number of quantities, sizes, and varieties of commodities consistent with successful operation. Where practical, materials and supplies should be bought on the basis of requirements for a six-month period.

(3) <u>Inspection of deliveries</u>. No invoices for supplies, materials, or equipment shall be accepted for payment until such supplies, materials, etc., have been received and inspected by the department head.

(4) <u>Correspondence with suppliers</u>. Copies of any correspondence with suppliers concerning prices, adjustments, and defective merchandise shall be forwarded to the purchasing agent. All invoices, bills of lading, delivery tickets, and other papers relation to purchases shall be sent to the purchasing agent.

(5) <u>Claims</u>. The purchasing agent shall prosecute all claims for shortages, breakages, or other complaints against shipper or carrier in connection with shipments.

(6) <u>Public inspection of records</u>. The purchasing agent shall keep a complete record of all quotations, bids, and purchase orders. Such records shall be open to public inspection.

(7) <u>Designee</u>. When a position such as purchasing agent, finance officer, or department head is mentioned in this policy, their assistants or designees are acceptable substitutes if they have written permission to do so. (as added by Ord. #14-01, March 2014)

5-414. <u>Definitions</u>. (1) "Customarily purchased." Items that are regularly purchased under specific circumstances considered reasonable and appropriate. (Example: After two (2) consecutive years, then, not required after two (2) consecutive years of not attaining the total amount of ten thousand dollars (\$10,000.00)).

(2) "Like items." Items that are similar and may be bought at the lowest common denominator, such as size, color, etc.

(3) "Lot." A single grouping of like items to be purchased at one (1) time. (as added by Ord. #14-01, March 2014)

CHAPTER 5

HOTEL AND MOTEL OCCUPANCY TAX

SECTION

- 5-501. Definitions.
- 5-502. Tax Levied.
- 5-503. Billings, refunds and credits.
- 5-504. Remittance and timing.
- 5-505. Report required.
- 5-506. Tax not to be absorbed.
- 5-507. Delinquency and penalties.
- 5-508. Treasurer's powers.
- 5-509. Proceeds to be placed in general fund.

5-501. <u>Definitions</u>. As used in this chapter unless context otherwise requires:

(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; provided, however, 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 camp, tourist court, motel, residence, or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration, including short term rentals;

(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, receiver, trustee, syndicate, or any other group or combination acting as a unit;

(6) "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;

(7) "Tax collector" means, for the purposes of this section, the city recorder or his/her designee.

(8) "Town" means the Town of Pleasant View, Tennessee.

(9) "Short term rental" refers to any structure, or any portion of any structure, furnished for dwelling, lodging, or sleeping purposes to transients for a consideration for less than thirty (30) days where the original intent and/or design of the structure was not to serve as lodging for transients; this includes apartments, houses, single family dwellings, and multifamily dwellings repurposed or temporarily used to dwell, lodge, or otherwise accommodate transients for sleeping purposes; this definition applies regardless of whether the owner and/or operator is a resident of the structure or any portion of the structure. (as added by Ord. #18-37, Dec. 2018)

5-502. <u>**Tax levied.</u>** There is hereby levied a tax on the privilege of occupancy of a hotel in an amount equal to five percent (5%) of the consideration paid by any transient to any hotel or motel operator for occupancy. The proceeds from this tax shall be used solely to promote tourism and economic development in the town and for no other purposes. (as added by Ord. #18-37, Dec. 2018)</u>

5-503. <u>Billings, refunds, and credits</u>. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel that is given directly or transmitted to the transient. Such tax is to be collected by such operator from the transient and remitted to the town.

When a person has maintained occupancy for ninety (90) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to said person, and the operator shall receive credit for the amount of such tax if previously paid or reported to the Town of Pleasant View. (as added by Ord. #18-37, Dec. 2018)

5-504. <u>Remittance and timing</u>. The tax hereby levied shall be remitted by all hotel and motel operators who lease, rent, or charge for any occupancy in a hotel within the town to the town's tax collector no later than the 20th day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy, as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the town entitled to such tax shall be that of the operator. (as added by Ord. #18-37, Dec. 2018)

5-505. <u>**Report required.</u>** The town tax collector shall be responsible for the collection of such tax. A monthly tax return, signed under oath, shall be filed with the tax collector by each operator and shall include all facts and information as may be deemed reasonable by the tax collector for the verification of the tax due. The tax collector shall audit each operator at least once per year</u>

to ensure compliance with this ordinance and shall report on the same to the board of mayor and aldermen.

It is the duty of every hotel operator liable for the collection and payment to the Town of any tax imposed by this chapter to keep and preserve for a period of three (3) years all records as may deem necessary to determine the amount of such tax as said operator may have been liable for the collection of the payment to the town, which records the tax collector shall have the right to inspect at all reasonable times. (as added by Ord. #18-37, Dec. 2018)

5-506. <u>Tax not to be absorbed</u>. 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 not be added to the rent, or that, if added, any part will be refunded. (as added by Ord. #18-37, Dec. 2018)

5-507. Delinquency and penalties. Taxes collected by an operator which are not remitted to the tax collector 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 twelve percent (12%) per annum, and is liable for an additional penalty of one percent (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. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00). Each day an operator willfully refuses to collect or remit the tax constitutes a separate offense for which the civil penalty shall apply. (as added by Ord. #18-37, Dec. 2018)

5-508. <u>**Treasurer's powers.**</u> The tax collector shall have as additional powers in the collection of this tax those powers and duties with respect to collecting taxes as provided in <u>Tennessee Code Annotated</u>, title 67, or as otherwise provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in <u>Tennessee Code Annotated</u>, title 67, chapter 23, it being the intent of this section that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this chapter. The tax collector shall also possess those powers and duties as provided in <u>Tennessee Code Annotated</u>, § 67-1-707 for the county clerks with respect to the adjustment and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors for taxes collected by the tax collector under authority of this section shall be refunded by the town. The tax collector shall have authority to direct the refunding of same. Notice of any tax paid under protest shall be given to the tax collector. The tax collector is hereby designated as the officer against whom suit may be brought for recovery of tax illegally assessed and collected. (as added by Ord. #18-37, Dec. 2018)

5-509. <u>Proceeds to be placed in general fund</u>. The tax collector is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the general fund for the Town of Pleasant View. The proceeds of such tax shall be used solely to promote tourism and economic development in the town and for no other purposes. (as added by Ord. #18-37, Dec. 2018)

TITLE 6

LAW ENFORCEMENT

[RESERVED FOR FUTURE USE]

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

- 1. FIRE CODE.
- 2. AUTOMATIC SPRINKLER SYSTEMS.

CHAPTER 1

FIRE CODE

SECTION

- 7-101. 2018 International Fire Code adopted.
- 7-102. Modifications.
- 7-103. Available in recorder's office.
- 7-104. Violations.

7-101. 2018 International Fire Code adopted. Pursuant to authority granted by the Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Fire Code,² 2018 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, including appendix chapters, A,B,C,D, E, F, and G as published by the International Code Council, be and is hereby adopted as the fire code of the Town of Pleasant View, Tennessee. (Ord. #04-11, Oct. 2004, as amended by Ord. #10-10, July 2010, and replaced by Ord. #18-19, Aug. 2018)

7-102. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever in the <u>International</u> <u>Fire Code</u> reference is made to the duties of a certain official named therein, that designated official of the Town of Pleasant View who has duties corresponding to those of the named official in said code shall be deemed the

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

¹Municipal code references

Building, utility and housing codes: title 12. Fireworks vendors: § 9-107.

responsible official insofar as enforcing the provisions of the <u>International Fire</u> <u>Code</u> are concerned.

(2) Section 101.1 insert, "Town of Pleasant View, Tennessee"

(3) Section 110.4 insert in order "Misdemeanor," "\$50, " "as per State of Tennessee law allowances"

(4) Section 112.4 insert in order "\$50 "and "\$50"

(5) Section 507.5.1 insert "exception 3. Single family detached dwelling on rural tract of land 3 acres or larger and /or lots created before 1998 that have water mains inadequate in size at street to install a hydrant may fire sprinkler dwelling and attached garages to 13D requirements in lieu of a fire hydrant."

(6) Section 1103.5.3. insert "as per State of Tennessee Fire Marshal Office requirements."

(7) Section 5704.2.9.6.1. insert "inside the cooperate limits of the Town of Pleasant View. An appeal to this may be filed in written form with an attached site plan to be ruled on by the Fire Code Official."

(8) Section 5706.2.4.4. insert "inside the cooperate limits of the Town of Pleasant View. An appeal to this may be filed in written form with an attached site plan to be ruled on by the Fire Code Official."

(9) Section 5806.2 insert "inside the cooperate limits of the Town of Pleasant View. An appeal to this may be filed in written form with an attached site plan to be ruled on by the Fire Code Official."

(10) Section 6104.2 insert "inside the cooperate limits of the Town of Pleasant View. An appeal to this may be filed in written form with an attached site plan to be ruled on by the Fire Code Official." (Ord. #04-11, Oct. 2004, as amended by Ord. #10-10, July 2010, and replaced by Ord. #18-19, Aug. 2018)

7-103. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the <u>International Building Code</u> has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (Ord. #04-11, Oct. 2004, as amended by Ord. #10-10, July 2010, and replaced by Ord. #18-19, Aug. 2018)

7-104. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the <u>International Building Code</u> as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-19, Aug. 2018)

CHAPTER 2

AUTOMATIC SPRINKLER SYSTEMS¹

SECTION

- 7-201. New building construction and renovations.
- 7-202. [Deleted.]
- 7-203. Definitions.
- 7-204. Additional requirements of sprinkler systems.
- 7-205. Maintenance of system required.
- 7-206. Fire inspection.
- 7-207. Enforcement.

7-201. <u>New building construction and renovations</u>. For the purpose of this chapter, the term "building" shall mean any structure (excluding any barn or stable used exclusively for agricultural purposes) having a roof supported by columns or walls and intended for the shelter, storage, housing use, or enclosure of persons, animals or property. The term "building" shall also include any garage, out building or other accessory building used for any commercial or industrial purposes.

An approved automatic sprinkler system shall be provided for the following new or renovated buildings:

(1) All buildings exceeding five thousand (5,000) square feet gross floor area. For the purpose of this section, only approved four (4) hour firewalls shall be considered when calculating the gross floor area. The gross floor area in any building with an approved four (4) hour firewall shall not exceed ten thousand (10,000) square feet without the installation of a sprinkler system.

(a) Automatic sprinkler systems shall be installed, tested, inspected and maintained in accordance with the IBC 2009, IFC 2009, as adopted or amended, and NFPA 13, 13R and 25 unless noted otherwise.

(b) Automatic sprinkler systems in compliance with NFPA 13 or NFPA 13R shall be provided with approved water flow alarm systems which shall transmit an alarm to a UL listed central station. Waterflow alarm systems shall be installed and maintained in accordance with the IBC 2009, IFC 2009, as adopted or amended, and NFPA 13, 13R, 25 and 72 and any other applicable NFPA standards.

(c) No sprinkler system, standpipe system or fire alarm system shall be installed without the approval of the fire marshal, building commissioner, or his/her designee.

¹Municipal code reference

Building code, Housing code, Existing buildings code: title 12.

(d) Where these requirements conflict with the IBC 2009, IFC 2009, as adopted or amended, and NFPA 13, 13R, 25 and 72, and any other applicable NFPA standards, the more stringent code shall apply. (Ord. #02-13, Nov. 2002, as replaced by Ord. #13-06, Sept. 2013)

7-202. [Deleted.] (Ord. #02-13, Nov. 2002, as deleted by Ord. #13-06, Sept. 2013)

7-203. <u>Definitions</u>. (1) "An approved automatic sprinkler system" means a system installed in accordance with National Fire Protection Association Standards or a system approved by the state fire marshal's office.

(2) "Approved supervisory alarm system" means it must be connected to an UL listed and approved central station facility meeting the requirements of NFPA 72.

(3) "Unit of occupancy" means any interior space with defined boundaries described in a deed, lease, license or agreement in which a discreet business, commercial, office, service, professional, institutional or industrial activity is conducted and which is separated from any other business, commercial, office, service, professional, institutional or industrial activity by interior or exterior walls. (Ord. #02-13, Nov. 2002, as amended by Ord. #13-06, Sept. 2013)

7-204. <u>Additional requirements of sprinkler systems</u>. (1) Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local energy alarm panel to provide zone identification upon activation. The energy alarm panel shall be located as near as possible to the main exit door. There shall also be a building map located at the energy alarm panel showing each zone of the building.

(2) An approved automatic sprinkler system shall be equipped with an approved supervisory alarm system which will transmit to an approved receiver. The determination of what systems and receivers are "approved" shall be made by the Fire Marshal for the Town of Pleasant View. Exception: Single family dwelling.

(3) Where a system may be disabled by closing of valves, interruption of power, etc., adequate supervision shall be provided to sound at least a local alarm when the system is deactivated, and a trouble signal to the central station facility. Exception: Single family dwelling.

(4) Automatic sprinkler flow alarms shall be zoned to indicate a water flow and not a general fire alarm to the central station.

(5) Where building fire alarm facilities are provided, actuation of the extinguishing system shall also cause the building alarm to sound in accordance with NFPA 72.

(6) Where building fire alarm facilities are not provided, actuation of the extinguishing system shall require at least one (1) building alarm to sound within the facility. Alarms shall be installed in accordance with NFPA 72.

(7) Where building fire alarm facilities are not provided in one or two family dwellings, all control valves must be placed in a locked cabinet with an approved locking device. Actuation of the extinguishing system shall require at least one (1) building alarm to sound within the facility. Alarms shall be installed in accordance with NFPA 72.

(8) Any building that is required to be equipped with a fire department connection shall be located on the front street side of the facility. Special circumstances that would prevent this shall be reviewed and altered only by the fire marshal, building commissioner, or certified designee on a case by case basis. All fire department connections shall be within one hundred feet (100') of a fire hydrant. Exception: Buildings below five thousand (5000) square feet must be within four hundred feet (400'). Exception: High hazard buildings must have FDC within one hundred feet (100') of hydrant.

(9) An approved automatic sprinkler system shall include an evacuation alarm which will sound and be audible throughout the entire building when the sprinkler system is activated. An internal fire alarm system may be utilized to meet this requirement, provided it is interconnected to activation of the sprinkler system.

(10) A lock box shall be provided outside the main entrance to any buildings regulated hereunder, containing a key to allow access to all fire department areas, except duplexes and multi-family dwellings which shall only provide access to fire department control valves. The lock box shall be a standard brand and shall be approved b the Fire Marshal for the Town of Pleasant View. The lock box shall be installed on all new construction and shall be installed in existing buildings having monitored systems. Each lock box installation location shall be approved by the Fire Marshal for the Town of Pleasant View. Lock boxes on existing systems shall be installed within one hundred eighty (180) days of the adoption of the ordinance comprising this chapter.

(11) Plans for an approved automatic sprinkler system shall be certified engineered plans and shall be subject to a plans review fee of two hundred and fifty dollars (\$250.00) or any other costs incurred by the Town of Pleasant View for third party review. (Ord. #02-13, Nov. 2002, as amended by Ord. #13-06, Sept. 2013)

7-205. <u>Maintenance of system required</u>. Occupied or unoccupied buildings or portions thereof having a sprinkler system in place, whether or not such system is required by this chapter, shall maintain all sprinklers and standpipe systems and all component parts in workable condition at all times, and it shall be unlawful for any owner or occupant or agent of either to reduce the effectiveness of the protection those systems provide. This section does not

prevent the owner or occupant of a building from temporarily reducing or discontinuing the protection when necessary in order to conduct testing, repairs, alterations or additions to the system, provided that the testing, repairs, alterations or additions are done in such a way to avoid the creation of a safety hazard, and provided that the fire department has been notified that the work will be done, informed of the time the system will be shut down and then notified when the system is put back on line. (Ord. #02-13, Nov. 2002)

7-206. <u>Fire inspection</u>. The Building Commissioner for the Town of Pleasant View or his/her designee shall provide an initial inspection of the automatic fire suppression system or automatic sprinkler system for structures meeting the criteria for this chapter. This inspection shall not guarantee proper installation of said system, but will insure that the system exists. This inspection shall also afford the property owner a safety inspection of the facility to provide proactive planning for fire prevention.

All automatic sprinkler systems and appurtenances shall be installed, tested, inspected, and maintained in accordance with National Fire Protection Association (NFPA) Standards and the International Code Council (ICC), as amended from time to time.

Any building containing an approved automatic sprinkler system shall be tested annually by a qualified sprinkler technician. A written copy of the yearly test report shall be forwarded to the fire marshal's office. (Ord. #02-13, Nov. 2002, as replaced by Ord. #05-08, May 2005, and amended by Ord. #07-07, July 2007)

7-207. <u>Enforcement</u>. Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this chapter, shall be guilty of a civil offense and shall be fined not in excess of fifty dollars (\$50.00) for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

When any violation of any provision of this chapter shall be found to exist, the Fire Marshal for the Town of Pleasant View, or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the town, including but not limited to the issuance of a "stop work" order to aid in the enforcement of any of the provisions of this chapter. (Ord. #02-13, Nov. 2002)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

- 1. RETAIL PACKAGE INTOXICATING LIQUORS AND RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES.
- 2. BEER PERMIT BOARD AND ALCOHOLIC BEVERAGES OF LESS THAN EIGHT PERCENT
- 3. DELETED.
- 4. WINE IN A RETAIL FOOD STORE.
- 5. SIDEWALK CAFÉS.

CHAPTER 1

<u>RETAIL PACKAGE INTOXICATING LIQUORS AND RETAIL SALE</u> OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE <u>PREMISES</u>

SECTION

- 8-101. Sale, etc., of intoxicating liquor regulated.
- 8-102. Definitions.
- 8-103. State laws to be complied with.
- 8-104. Restrictions on operators of retail liquor stores.
- 8-105. Application for certificate of good moral character and city license.
- 8-106. Certificate of good moral character.
- 8-107. Certificate of good moral character--issuance.
- 8-108. Only one establishment to be operated by retailer.
- 8-109. Restriction to location.
- 8-110. Minimum distance requirement.
- 8-111. Display of license.
- 8-112. New license after revocation.
- 8-113. Radios, amusement devices and seating facilities--prohibited in retail establishments.
- 8-114. Regulations of sale.
- 8-115. Inspection fee.
- 8-116. Violations.
- 8-117. Consumption of alcoholic beverages on premises.
- 8-118. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

¹State law reference

Tennessee Code Annotated, title 57.

- 8-119. Annual privilege tax to be paid to the city clerk.
- 8-120. Concurrent sale of liquor by the drink and beer.

8-121. Advertisement of alcoholic beverages.

8-101. <u>Sale, etc., of intoxicating liquor regulated</u>. It shall be unlawful to purchase or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the Town of Pleasant View, except as provided by <u>Tennessee Code Annotated</u>, § 57-3-101, <u>et seq</u>. and by the rules and regulations promulgated hereunder, and as provided in this chapter.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-102. <u>Definitions</u>. Whenever used herein, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every other liquid containing alcohol or spirits, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight or less.

(2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued by the State of Tennessee Alcoholic Beverage Commission.

(3) "Retail sale" means a sale of alcoholic beverage to a consumer.

(4) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provision herein.

(5) "Manufacturer" means and includes a distiller, vintner and rectifier.

(6) "Whole sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provision of <u>Tennessee Code Annotated</u>, § 57-3-101 through 57-3-110.

(8) "Words" importing the masculine gender shall include the feminine and the neutral, and the singular shall include the plural.

(9) "Person" means a private individual, partnership, joint venture, corporation, or any other business entity or association.

(10) "Premises" means the property owned, leased or controlled by the licensee and so connected with the liquor business in which the licensee is engaged as to form a component or integral part of it, including, but not limited to, the building and parking areas surrounding it.

(11) "Curb service" means all sales transacted outside of the building where the business is carried on. The intent of this provision being to insure that the sale and purchase of alcoholic beverages is transacted in a face-to-face meeting between the salesperson and the customer, with the customer outside of a motor vehicle and under such circumstances that the salesperson has a reasonable opportunity to determine if the customer is then in an intoxicated condition or is a minor.

(12) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

(13) "Federal license" shall not mean tax receipt or permit. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-103. <u>State laws to be complied with</u>. No person, firm, corporation, association or partnership shall engage in the wholesale or retail liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-104. <u>Restrictions on operators of retail liquor stores</u>.

(1) <u>Government employees prohibited from obtaining permit</u>. No person, member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointed or elective, or who is a public employee either national, state, city or county except uncompensated appointed members of boards of commissioners who have no duties covering the regulation of permit holders under this chapter. It shall be unlawful for any such person to have any interest in such retail business directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(2) <u>Residence requirements</u>. No person, member or firm, corporation, partnership or association shall own or operate a retail store for the sale of alcoholic beverages as herein defined if he/she shall not have been a resident of Tennessee for two (2) years prior to making application for a license. This requirement as to residence in the case of a corporation, firm, associations, or a partnership shall apply to all of its officers, stockholders, and partners.

(3) <u>Age limit</u>. No retailer engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years. No employee engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under the age of eighteen (18) in his place of business to engage in the sale of alcoholic beverages.

(4) <u>Criminal record</u>. No retailer shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances within a ten (10) year period.

(5) <u>Employees</u>. No retailer shall employ in the sale, storage, or distribution of alcoholic beverage any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances, and in case an employee should be so convicted after becoming employed he shall immediately be discharged.

(6) <u>Transfer or sale of license prohibited</u>. The holder of a license may not sell, assign, or transfer such license to any other person, and the license shall be good and valid only for the calendar year in which the same was issued and at the location specified in the license.

Undisclosed interest prohibited. It shall be unlawful for any person (7)to have ownership in or to be a partner in or a stockholder, director, or officer, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in the business and the nature, extent and character thereof shall appear on the application: or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and purchaser. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-105. <u>Application for certificate of good moral character and city</u> <u>license</u>. Before any character certificate or city license is issued as required by <u>Tennessee Code Annotated</u>, § 57-3-213, the following must be accomplished:

(1) An application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

(a) Name, age and address of the applicant.

(b) Number of years of residence in Cheatham County.

(c) Occupation or business and length of time engaged in such occupation or business.

(d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.

(e) If employed, the name and address of employer.

(f) If in business, the kind of business and location thereof.

(g) The location of the proposed store for the sale of alcoholic beverages.

(h) The name and address of the owner of the store.

(i) A copy of corporate paperwork as filed with the Tennessee Secretary of State, copy of any partnership agreement, or any other material to show ownership of a partnership or corporation as may be determined by the council.

(j) A copy of any and all paperwork submitted to the alcoholic beverage commission including but not limited to the application filed with the ABC.

(k) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

(l) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner or by the president of the corporation.

(m) The applicant shall place a notice in a local newspaper of general circulation concerning the applicant's intent to seek a license from the alcoholic beverage commission. The notice shall contain such information as is prescribed in section (l6) of chapter 0100-3-09 of the local option liquor rules and regulations and shall appear for at least three (3) consecutive issues immediately preceding the date that the applicant applies to the city for a certificate of compliance. The application shall be accompanied by a copy of the public notice and the sworn statement of the applicant that the notice was published in accordance with this section and the rues of the commission.

(n) The city shall, after examination, issue a certificate of compliance that is to be attached to the application provided to the state for state licensing. The city shall require a copy of all applications and information sent to the state.

(2) Each application shall be accompanied by a non-refundable investigation fee of one thousand dollars (\$1,000.00). There is also an additional fee of one hundred dollars (\$100.00) for each additional criminal background checkup in partnerships and corporations for anyone owning a five percent (5%) or greater interest. Each applicant understands that a full background checkup will be done on not only the applicant but if a partnership, then the partner, and if a corporation then on anyone owing an interest of five percent (5%) or more. By applying for a certificate, the applicant and anyone that is required to have a background check hereby releases the Town of Pleasant View from any and all liability that may be associated with the performance of the background check.

(3) The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages.

(4) An applicant for a certificate of good moral character will be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-106. <u>Certificate of good moral character</u>. Certificate of good moral character issued under this chapter shall expire after two (2) years as set by statute in <u>Tennessee Code Annotated</u>, § 57-3-213 or any time there is a change in ownership of the licenses establishment or any time a license issued by the alcoholic beverage commission is revoked, canceled, or otherwise terminated other than by annual expiration. There shall be a one hundred dollar (\$100.00) fee per person to defray the cost of a new background check. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-107. <u>Certificate of good moral character--issuance</u>. A certificate of compliance shall be authenticated as any other resolution of the board of mayor and aldermen if the board, while in session, shall find that the applicant fulfills all the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to a majority of the city council, or it is found that the applicant's general character is good.

(2) If a corporation, partnership, association or firm, the executive officers or those in control and each owner, partner, or stockholder are of good moral character and personally known to a majority of the city council.

(3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.

(4) The applicant has not been convicted of a felony within ten (10) years prior to the date of application.

(5) In the opinion of the city council the applicant is not likely to violate the law regarding sales of alcoholic beverages.

(6) The applicant or applicants meets all other requirements of this chapter. (as added by Ord. #10-14, Jan. 2011)

8-108. <u>only one establishment to be operated by retailer</u>. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #10-14, Jan. 2011)

8-109. <u>Restriction to location</u>. (1) Adequate off-street on-site parking space shall be available to any proposed liquor store and be in conformance with the zoning ordinances of the Town of Pleasant View. No liquor store shall be located on any property unless such property is in a commercial district. To assure that these requirements are satisfied, no original license shall be issued until the building official has reviewed and recommends the site plan submitted by the applicant to the board of mayor and aldermen.

(2) No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter provided. When a retail store is located on the corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. Said building shall be of a permanent type of construction and no store shall be located in a building that is titled or was titled. Said store shall be of minimum size of one thousand (1,000) square feet.

(3) To the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale of alcoholic beverages there sold. All retail sales shall be confined to the premises of the structure and no curb service should be permitted nor shall there be permitted drive-in windows. (as added by Ord. #10-14, Jan. 2011)

8-110. <u>Minimum distance requirement</u>. No liquor store permit shall be issued to an applicant whose location is less than three hundred feet (300') from a church, house of worship, a school or its playground or a park. Distances shall be measured from the center of a public entrance of the school, church or house of worship and by a straight line of travel which may be measured aerial to the center of the main entrance of the potential licensee. In the case of a park, distances shall be measured from the property line of the park and by straight line of travel to the center of the main entrance of the potential licensee. (as added by Ord. #10-14, Jan. 2011)

8-111. <u>Display of license</u>. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (as added by Ord. #10-14, Jan. 2011)

8-112. <u>New license after revocation</u>. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages to the same licensee until after the expiration of one (1) year from the date said revocation becomes final and effective. (as added by Ord. #10-14, Jan. 2011)

8-113. <u>Radios, amusement devices and seating facilities-</u><u>prohibited in retail establishments</u>. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #10-14, Jan. 2011)

8-114. <u>Regulations of sale</u>. (1) <u>Hours of sales on weekdays</u>. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Transfers of ownership or possession of any alcoholic beverage by a retailer in any manner other than by retail sale is hereby prohibited.

(3) <u>Sales on Sundays prohibited</u>. No retailer shall sell any alcoholic beverages between 11:00 P.M. on Saturdays and 8:00 A.M. on the following Monday of each week.

(4) <u>Sales to minors prohibited</u>. No retailer shall sell any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21).

(5) <u>Sales on certain holidays prohibited</u>. No retailer shall sell any alcoholic beverages on the following holidays: Christmas, New Years, Thanksgiving, Labor Day and Fourth of July.

(6) <u>Keeping an unsealed bottle or container prohibited</u>. No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) <u>Sales to person intoxicated prohibited</u>. No retailer shall sell any alcoholic beverages to any person who is intoxicated nor shall any retailer sell any alcoholic beverages to any person accompanied by a person which is intoxicated.

(8) <u>Sales on credit prohibited</u>. No holder of permit for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered any alcoholic beverages on credit.

(9) <u>Unstamped merchandise prohibited</u>. No retailer shall own, store or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

(10) <u>Political advertising prohibited</u>. No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(11) <u>Consumption on the premises prohibited</u>. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

(12) <u>Lighted signs</u>. Lighted signs shall not be located on any visible surface where the surface faces a church, school, or public building. Lighted signs shall not be lit except within the hours provided for the sale of alcohol. Non-lighted signs located on interior surfaces or windows where the surface faces a church, school, or public building shall not exceed four (4) square feet in area. (as added by Ord. #10-14, Jan. 2011)

8-115. <u>**Inspection fee**</u>. The following shall apply regarding inspection fees:

(1) There is hereby imposed an inspection fee on all gross purchases of alcoholic beverages made by licenses under this chapter. Said fee to be at the maximum amount as provided for in <u>Tennessee Code Annotated</u>, § 57-3-501.

(2) The inspection fee shall be collected by the wholesaler from the retailer at the time of sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(3) Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the Town of Pleasant View as hereinafter provided.

(4) Each wholesaler making sales to retailers located within the corporate limits of the Town of Pleasant View shall furnish the Town of Pleasant View a report monthly, which report shall contain the following:

(a) The name and address of the retailer;

(b) The wholesaler price of the alcoholic beverages sold to such retailer;

(c) The amount of tax due under this section; and

(d) Such other information as may be required by the mayor and board of aldermen of the Town of Pleasant View. The monthly report shall be furnished to the city recorder of the town not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the Town of Pleasant View shall be paid to the Town of Pleasant View. The wholesaler shall be entitled to reimbursement for this collection service a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the Town of Pleasant View.

(5) Each wholesaler who fails to collect and/or remit in a timely manner the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten percent (10%) of the fee due the Town of Pleasant View which shall be payable to the Town of Pleasant View.

(6) The Town of Pleasant View shall have the authority to audit the records of all wholesalers subject to the provision of this section in order to determine the accuracy of said monthly report. (as added by Ord. #10-14, Jan. 2011)

8-116. <u>Violations</u>. Any violation of this chapter shall constitute a civil offense and shall, upon conviction be punishable by a penalty under the general penalty provisions of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #10-14, Jan. 2011)

8-117. <u>Consumption of alcohol beverages on premises</u>. <u>Tennessee</u> <u>Code Annotated</u>, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Pleasant View, Tennessee. It is the intent of the board of mayor and aldermen that the said <u>Tennessee Code Annotated</u>, title 57, chapter 4, inclusive, shall be effective in Pleasant View, Tennessee, the same as if said code sections were copies herein verbatim. (as added by Ord.#16-06, June 2016)

8-118. <u>Privilege tax on retail sale of alcoholic beverages for</u> <u>consumption on the premises</u>. Pursuant to the authority contained in <u>Tennessee Code Annotated</u>, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by <u>Tennessee Code Annotated</u>, title 57, chapter 4, section 301, for the Town of Pleasant View general fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retain in the Town of Pleasant View on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #16-06, June 2016)

8-119. <u>Annual privilege tax to be paid to the city clerk</u>. Any person, firm, corporation, joint stock company, syndicate, or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the Town of Pleasant View shall remit annually to the city clerk the appropriate tax described in § 8-118. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of license. The annual privilege tax shall be equal to the amount paid to the alcoholic beverage commission for the original license. Upon transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #16-06, June 2016)

8-120. <u>Concurrent sales of liquor by the drink and beer</u>. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the Town of Pleasant View, pursuant to <u>Tennessee Code Annotated</u>, title 57, chapter 4, shall,

notwithstanding the provisions of § 8-212(3) of the ordinances of the Town of Pleasant View, qualify to receive a beer permit from the city. (as added by Ord. #16-06, June 2016)

8-121. <u>Advertisement of alcoholic beverages</u>. All advertisement of the availability of liquor for sale by those licensed pursuant to <u>Tennessee Code</u> <u>Annotated</u>, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #16-06, June 2016)

CHAPTER 2

BEER PERMIT BOARD AND ALCOHOLIC BEVERAGES OF LESS THAN EIGHT PERCENT

- 8-201. Beer business lawful but subject to regulation.
- 8-202. Terms defined.
- 8-203. Beer board established; membership; quorum.
- 8-204. Meetings of the board.
- 8-205. Record of beer board proceedings to be kept.
- 8-206. Reporting to state authorities.
- 8-207. Inspectors--authority.
- 8-208. Powers and duties of the beer board.
- 8-209. Permit required for engaging in beer business and fees assessed; types of permits.
- 8-210. Applications for retail permits.
- 8-211. Special event permits.
- 8-212. Consideration of permit application; restrictions upon granting permits; denial.
- 8-213. Beer permit shall be restrictive.
- 8-214. Permits not transferable; permitted locations for consumption.
- 8-215. Display of permit.
- 8-216. Privilege tax.
- 8-217. Interference with public health or safety prohibited.
- 8-218. Issuance of permits to be persons convicted of certain crimes prohibited.
- 8-219. Issuance of permits to hotels, clubs, etc.
- 8-220. Retail premises; restrictions as to visibility.
- 8-221. Distribution and consumption of samples on premises not permitted.
- 8-222. Sanitation for premises covered by on premises permits.
- 8-223. Minors; fraudulent evidence of age, etc.
- 8-224. Responsible vendor certification for off premises sale.
- 8-225. Prohibited conduct or activities by beer permit holders.
- 8-226. Investigation of applicants, agents, and/or employees.
- 8-227. Suspension and revocation of beer permits.
- 8-228. Guidelines for discipline for violation; civil penalty in lieu of suspension.
- 8-229. Beer wholesalers, etc., to deal only with licensed retailers.
- 8-230. Beer manufacturing, wholesale, and distribution.
- 8-231. Sale of draft beer for off-premises consumption authorized for certain permittees.
- 8-232. Penalty for violation of chapter.
- 8-233. Employees liable for violations of chapter.
- 8-234. Two-for-one drinks prohibited.
- 8-235. Implied consent.

8-201. <u>Beer business lawful but subject to regulation</u>. It shall be lawful to transport, store, sell, distribute, possess, receive, or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the Town of Pleasant View. However, these activities shall be subject to all of the regulations, limitations, and restrictions hereinafter provided, and subject to the

regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations established by the board of mayor and aldermen and approved by the beer board of the Town of Pleasant View, Tennessee. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-32, Oct. 2018)

8-202. <u>Terms defined</u>. (1) "Beer" shall mean beer, ale, or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in <u>Tennessee Code</u> <u>Annotated</u>,§ 57-3-101(a)(24) (West 2018).

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

(3) "Premises" shall mean on the 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 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 that are operated by the business and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located that are operated by the business and only for a business operating under the name identified in the permit.

(4) "Curb service" shall mean all sales transacted outside the building, patio, or deck where the beer business is carried on. The intent of this provision is to ensure that the sale and purchase of beer takes place with the customer outside of the motor vehicle in a face-to-face meeting with the salesperson. Curb service does not include sales transacted within a designated sidewalk café.

(5) "Applicant" shall mean the person on whose behalf an application for beer permit is filed.

(6) "Adequate public notice" shall consist of publication, where possible, of notice of a meeting, application or hearing scheduled by the beer board, either regular or special, in a newspaper of general circulation within the corporate limits of the Town of Pleasant View; or where newspaper publication is not possible, shall consist of notice aired by one (1) or more radio stations broadcasting in the Town of Pleasant View area.

(7) The pronouns "he, him, and his" shall refer to persons of the female as well as the male gender, as applicable.

(8) "Storage" shall mean the storing or possessing of beer or other alcoholic beverages for the purpose of resale by the permit holder. The practice by a private club of maintaining on its premises beer or other alcoholic beverages that have been brought there by a patron shall not constitute unlawful storing of alcohol in violation of any section of this code chapter.

(9) "Private club" shall mean an association that:

(a) Has members who pay regular dues for the privilege of membership, whether the club is organized or operated for profit or nonprofit purposes;

(b) Owns, hires, or leases a building or space therein for the exclusive use of its members and their invited guests, when accompanied by a member, and not otherwise open to the general public;

(c) Requires that a written application for membership be filed at least one (1) week before the applicant is admitted to membership;

(d) Keeps a current roster of members that shows the date each member filed an application for membership, the date each member was admitted to membership, the dates on which each member has paid membership fees, and the amount of membership fee paid on each date;

(e) Makes the roster of members available for inspection, during the hours the club is open, by members of the Pleasant View Police Department or any city official designated by the board of mayor and aldermen; and

(f) Applies for, receives, and holds a valid beer permit.

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

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

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

(13) "Responsible vendor" shall mean a vendor that has received certification from the commission pursuant to <u>Tennessee Code Annotated</u>, § 57-5-601 <u>et seq</u>.

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

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

(16) "Manufacturer" shall mean a person, partnership, corporation, or other business entity that produces beer from raw and/or processed ingredients. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-22, Oct. 2018)

8-203. Beer board established; membership; quorum.

(1) <u>Established</u>. A beer permit board is created and designated as the Town of Pleasant View beer board.

(2) <u>Membership</u>. The Town of Pleasant View beer board shall consist of a committee composed of the Town of Pleasant View board of mayor and aldermen. The mayor shall serve as the chairman of the board.

(3) <u>Quorum</u>. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-32, Aug. 2018)

8-204. <u>Meetings of the board</u>. All meetings of the beer board shall be open to the public. The Town of Pleasant View beer board shall convene when called by the mayor. All members shall receive at least seven (7) days notice before a meeting and the meeting shall be advertised in the newspaper of general circulation no less than seven (7) days prior to the meeting date. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-32, Aug. 2018)

8-205. <u>Record of beer board proceedings to be kept</u>. The recorder shall make a separate record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. The recorder shall also maintain an up-to-date list of the names and addresses of all beer permit holders. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and replaced by Ord. #18-32, Aug. 2018)

8-206. <u>Reporting to state authorities</u>. (1) The board shall report to the commissioner of revenue on each new permit issued by it within ten (10) days from the date of issuance of such permit.

(2) The board shall report to the commission the names of the permittee and the name of the employee who are found to be in violation of selling alcohol to a minor within fifteen (15) days from the date of the finding.

(3) Further reporting obligations are set forth in § 8-224(3) of this chapter. (as added by Ord. #18-32, Oct. 2018)

8-207. <u>Inspectors-authority</u>. The Pleasant View City Police and the Cheatham County Sheriff's Department, or their designee, and any beer board member, if accompanied by an officer of the Pleasant View Police Department

or another authorized inspector are empowered to inspect the premises and operations of permittees. (as added by Ord. #18-32, Oct. 2018)

8-208. <u>Powers and duties of the beer board</u>. The beer board shall have the power and it is hereby directed to establish regulations governing the selling, storing for sale, distributing for sale, giving away, and manufacturing of beer within this municipality in accordance with the provisions of this chapter, provided such regulations are approved by the board of mayor and aldermen, and to issue permits related thereto. (as added by Ord. #18-32, Oct. 2018)

8-209. <u>Permit required for engaging in beer business and fees</u> <u>assessed; types of permits</u>. (1) <u>Permit required</u>. No person shall engage in the storing, selling, distribution, giving away, wholesaling, or manufacturing of beer, or other beverages of like alcoholic content, within the corporate limits of the Town of Pleasant View until that person receives a permit to do so from the beer board of the Town of Pleasant View. Four (4) types of permits may be issued by the beer board:

(a) Off premises permit. A retailer's "off premises" permit shall be issued to any person engaged in the sale of beer for consumption and not for resale where the beer sold is not to be consumed by the purchaser upon or near the premises of the seller;

(b) On premises permit. A retailer's "on premises" permit shall be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or his guest upon the premises of the seller; and

(c) Manufacturer's Permit. A manufacturer's permit to a manufacturer of beer, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer which product may be consumed upon the premises of the manufacturer to the extent permitted by state law of general application or sold for off premises consumption.

(d) Special event permit. A "special events" permit is required to be issued to any nonprofit organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller. The special events permit will be issued after approval by the Pleasant View Police Department and the Pleasant View beer board. Prior notification must be made in writing ten (10) days prior to the event with the organization holding the event and location where the event is to be held. Each permit will be issued for a specific date and a specific period of time. The specific period of time will not contradict any existing state or city ordinances. Nonprofit organizations may receive no more than four (4) special events permits during a calendar year. (e) Caterer permit. A "caterer" permit to any person or legal organization conducting a food and beverage catering business who or which has been previously issued a liquor by the drink certificate from the Tennessee Alcoholic Beverage Commission. The liquor by the drink certificate must be current and not expired or revoked at the time of application for the caterer permit. The caterer permit will be issued after approval by the Pleasant View Police Department and the Pleasant View Beer Board.

(2) <u>Fee</u>. All applications for the issuance of any type of beer permit shall be accompanied by an application fee as specified in appendix A, comprehensive fees and penalties, for use in offsetting the expenses of investigating the applicant and processing the application. No portion of the fee shall be refunded to the applicant notwithstanding whether the application is approved. Applications for a single permit for both on- and off-premises sales shall pay one (1) application fee.

(3) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint stock company, syndicate, or association.

(4) A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name. (as added by Ord. #18-32, Oct. 2018)

8-210. <u>Applications for retail permits</u>. Each applicant for a beer permit shall be required to complete a formal, written application in a form approved by the beer board. Each application must explicitly and affirmatively state all of the following:

(1) The name, age, and address of the applicant.

(2) The location of the premises at which the business shall be conducted.

(3) The owner or owners of such premises.

(4) Names and addresses of all persons, as defined in this chapter, with at least a five percent (5%) ownership interest in the applicant.

(5) (a) If the applicant is a partnership, a joint venture, or a corporation, the private individual who signs the application shall indicate, in words, that the signature is a valid, binding, and legal signature "on behalf of" the business entity. By such signature, the partnership, the joint venture, or the corporation agrees to be bound by all regulations under this chapter and to be liable for any violations thereof. Where it deems it to be appropriate, the beer board may require the applicant to furnish as a condition of approval a certified copy of a resolution approved by the managing body of the business entity

authorizing the individual signing the application on behalf of the business entity to obligate the entity.

(b) If the applicant will operate the business through an agent, the name and the address of the agent will be indicated. Any time the applicant/licensee changes agents, it shall notify the beer board in writing within thirty (30) days of the change and shall supply the name and address of the new agent. If applicant is a corporation, it shall indicate whether it is authorized to do business within the State of Tennessee.

(6) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.

(7) That no sale of such beverages will be made except in accordance with the permit granted.

(8) That if the application is for a permit to sell only, not for consumption on the premises, no sale will be made for consumption on the premises and that no consumption will be allowed on the premises thereof except for samples as regulated by § 8-223 of this chapter.

(9) That no sales will be made to persons under twenty-one (21) years of age.

(10) That the applicant understands it must secure a certificate or a statement from the health department or health officer that the premises which the application covers meet the requirements of § 8-222.

(11) The application shall be submitted to the city recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered. The recorder shall notify each member of the beer board of such application prior to the next regularly scheduled meeting.

(12) Applications shall at all times be kept on file by the city recorder and shall be open to inspection of the general public within the limits of federal, state and local law, and any person, firm, corporation, or association knowingly making any false statement in the application shall forfeit his right to a permit or have his permit revoked and shall not be eligible to receive any permit for a period of at least one (1) year.

(13) No applicant for a beer permit for on-premises consumption shall be issued a permit unless the city recorder has obtained approval of the premises from the building inspector and chief of the fire department, and a background report from the chief of police recommending approval.

(14) The identity of the person, if different from the applicant, to receive tax notices and other communications from the beer board.

(15) Whether the applicant has been convicted of a violation of any state or federal law or of a violation of this code or any city ordinance, and the details of any such conviction.

(16) Any other relevant information as may be required by the beer board. (as added by Ord. #18-32, Oct. 2018)

8-211. <u>Special event permits</u>. (1) The beer board is authorized to issue special event permits to bona fide charitable, nonprofit, or political organizations for special events.

(2) The special event permit shall not be issued for longer than one (1) forty-eight (48) hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law. The application for the special event permit shall state whether the applicant is a charitable, nonprofit, or political organization, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license.

(3) For purposes of this section:

(a) Bona fide charitable or nonprofit organization means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.

(b) Bona fide political organization means any political campaign committee as defined in <u>Tennessee Code Annotated</u>, § 2-10-102 or any political party as defined in <u>Tennessee Code Annotated</u>, § 2-13-101.

(4) No charitable, nonprofit, or political organization possessing a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

(5) Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Pleasant View will result in a denial of a special event beer permit for the sale of beer for at least one (1) year. (as added by Ord. #18-32, Oct. 2018)

8-212. <u>Consideration of permit application; restrictions upon</u> <u>granting permits; denial</u>. (1) No permit shall be issued to sell any beverage coming within the provisions of this chapter:

(a) In violation of any provision of the state law or of this chapter.

(b) In violation of the zoning ordinance of the Town of Pleasant View.

(c) When any requirement established in this chapter is not fully met.

(d) When any permit application fails to meet guidelines established by the beer board in its regulations for consideration and denial of any beer permit.

(2) The judgment of the beer board on such matters shall be final, except as same is subject to review at law, under <u>Tennessee Code Annotated</u>, § 57-5-108. (as added by Ord. #18-32, Oct. 2018)

8-213. <u>Beer permit shall be restrictive</u>.¹ All beer permits shall be restrictive as to the type of beer business authorized under them. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by the permit. It shall likewise be unlawful not to comply with any and all express restrictions or conditions which may be written into the permit by the beer board. (as added by Ord. #18-32, Oct. 2018)

8-214. <u>Permits not transferable</u>; <u>permitted locations for</u> <u>consumption</u>. (1) A permit shall be valid only for the owner to whom the permit is issued, and under the name identified in the application and cannot be transferred. If the owner is a corporation, a change of ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner.

(2) Except as provided in § 8-212, a permit is valid only for a single location and cannot be transferred to another location. Under an on-premises permit, consumption of beer off or outside the premises is strictly prohibited. A permit is valid for all decks, patios, and other outdoor serving areas contiguous to the exterior of the building in which the business is located and that are operated by and remain under the control of the business. This includes property leased from the Town of Pleasant View for which the applicant also possess a valid sidewalk café permit. (as added by Ord. #18-32, Oct. 2018)

8-215. <u>Display of permit</u>. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses, and stamps as required by law. (as added by Ord. #18-32, Oct. 2018)

¹State Law reference

<u>Tennessee Code Annotated</u>, § 57-5-301(a) provides that neither beer permit holders nor persons employed by them may have been "convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude" within the previous ten years. Under <u>Tennessee Code Annotated</u>, § 57-5-301(b), violations are punishable under state law as a Class A misdemeanor. Under <u>Tennessee Code Annotated</u>, § 16-18-302, city courts may only enforce local ordinances that mirror, substantially duplicate, or incorporate by reference Class C misdemeanors. City courts are thus prohibited from enforcing ordinances making violations of <u>Tennessee Code Annotated</u>, § 57-5-301(a) a local offense.

8-216. <u>Privilege tax</u>. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax as specified in appendix A, comprehensive fees and penalties. Any person, firm, corporation, joint stock company, syndicate, or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax annually on or before January 1 to the Town of Pleasant View. The tax shall be remitted to the city recorder of the Town of Pleasant View. Failure to remit the tax by January 1 shall result in automatic revocation of the license. At the time a new permit is issued to any business that is subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment is due. The tax funds so collected may be used for any valid public purpose. (as added by Ord. #18-32, Oct. 2018)

8-217. Interference with public health or safety prohibited. No beer permit shall be issued to an applicant whose location is less than one hundred feet (100') from a church, house of worship, a school, a public playground, or public park. Distances shall be measured from the center of a public entrance of the school, church, or house of worship and by a straight line to the center of the main entrance of the potential licensee. In the case of a park, distances shall be measured from the property line of the park and by straight line of travel to the center of the main entrance of the main entrance of the potential licensee.

No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health or safety. (as added by Ord. #18-32, Oct. 2018)

8-218. Issuance of permits to persons convicted of certain crimes prohibited. (1) No beer permit shall be issued to any person, firm, corporation, joint stock company, syndicate, or association, when any person having at least a five percent (5%) interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or of any felony, or of any crime involving moral turpitude, within the past ten (10) years. For purposes of this section, moral turpitude means an act of baseness, vileness, or depravity in private and social duties owed to someone or to society in general, contrary to accepted rule or right and duty between two (2) or more people.

(2) Further, a beer permit may be denied where an owner or manager has been convicted of Driving Under the Influence (DUI). (as added by Ord. #18-32, Oct. 2018)

8-219. <u>Issuance of permits to hotels, clubs, etc</u>. It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provision of this chapter by hotels, motels, clubs, or lodges, subject to the limitations and restrictions contained in the state law, and the rules and

regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter. (as added by Ord. #18-32, Oct. 2018)

8-220. <u>Retail premises; restrictions as to visibility</u>. To the fullest extent, consistent with the structure of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of beer there sold or dispensed. (as added by Ord. #18-32, Oct. 2018)

8-221. <u>Distribution and consumption of samples on premises not</u> <u>permitted</u>. Holders of a retailer's off premises permit only are not permitted to distribute beer samples. (as added by Ord. #18-32, Oct. 2018)

8-222. <u>Sanitation for premises covered by on premises permits</u>. Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition. The city safety officer or any properly authorized person is hereby authorized to enter the premises at all reasonable hours for the making of such inspections as may be necessary. Permittee shall make all changes required by the city safety officer within five (5) days of written notice. Failure to comply will result in a citation that may result in a revocation of the beer permit and/or civil penalties. (as added by Ord. #18-32, Oct. 2018)

8-223. Minors; fraudulent evidence of age, etc. It shall be unlawful for any person under twenty-one (21) years of age to purchase, or to have in his or her possession, beer, for any purpose and it shall be unlawful for any such minor to transport beer for any purpose except the same be in the course of his employment. It shall further be unlawful for any person under twenty-one (21) years of age to present or offer to any permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any person found guilty of violating the provisions of this subsection shall upon conviction be fined as specified in appendix A, comprehensive fees and penalties. Pursuant to Tennessee Code Annotated, § 57-5-301(d)(1)(B)(i), where a person younger than twenty-one (21) years of age but eighteen (18) years of age or older is convicted on the purchase or attempt to purchase or possession of beer, the town court shall prepare and send to the department of safety, driver control division, within five working days of the conviction an order of denial of driving privileges for the offender. (as added by Ord. #18-32, Oct. 2018)

8-224. <u>Responsible vendor certification for off-premises sale</u>.

(1) Pursuant to <u>Tennessee Code Annotated</u>, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under

the requirements of <u>Tennessee Code Annotated</u>, § 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, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage 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 <u>Tennessee Code</u> <u>Annotated</u>, § 57-5-608, the alcoholic beverage 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.

(2) <u>Civil penalty in lieu of revocation or suspension</u>. The beer board may impose on a responsible vendor a civil penalty 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. Penalty, revocation or 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 any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) 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.

(3) 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 <u>Tennessee Code Annotated</u>, § 57-5-606 sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid 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. #18-32, Oct. 2018)

8-225. <u>Prohibited conduct or activities by beer permit holders</u>. It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years. (2) Allow any person under twenty-one (21) years of age to have in his or her possession beer for any purpose except in the course of his or her employment.

(3) Make or allow any sale of beer between the hours of 11:00 P.M. and 6:00 A.M. on weekdays, or between the hours of 11:00 P.M. and 10:00 A.M. on Sundays for off-premises consumption, make or allow any sale of beer between the hours of 11:00 P.M. and 8:00 A.M. on weekdays, or between the hours of 11:00 P.M. and 10:00 A.M. on Sundays for on-premises consumption or special events.

(4) Allow any loud, unusual or obnoxious noises to emanate from his premises.

(5) Make or allow any sale of beer to a person under twenty-one (21) years of age. The burden of ascertaining the age of customers shall be upon the owner or operator of such place of business.

(6) Make or allow any sale of beer to any intoxicated person or to any feebleminded, insane, or otherwise mentally incapacitated person.

(7) Allow intoxicated persons to remain on his premises.

(8) Sell on his premises any alcoholic beverage with an alcoholic content of more than eight percent (8%) by weight without the appropriate license from the TABC.

(9) Allow the place of business to become a public nuisance or a nuisance to law enforcing agencies of the Town of Pleasant View, or create a nuisance or materially contribute to creating or maintaining a public nuisance.

(10) Allow beer to be sold through any drive-through or delivery window or by curb service (curb sales) by any retail establishment possessing an on-premises or off-premises beer sale permit. Any sales for consumption on the premises but outside the building from which the business is operated shall be made from within the building.

(11) Allow, if his permit is for off-premises consumption only, any dispensing or sale of beer in any milk jug, milk carton, or in any other container not originally sealed at and shipped from the factory. This provision is specifically intended to prohibit the open dispensing of any beer on draft or from any other open source on the premises of a permit holder who may sell only for off-premises consumption. This provision is further intended to prohibit the transfer of beer out of any container and into any other container, even though the second container may be sealed by capping, stapling, or otherwise. It is the intention of this provision that sales for off-premises consumption only must be sales of the original bottles, cans, or other original manufacturer's packaging methods.

(12) Fail to issue and require employees to wear name badge when certified as a responsible vendor.

(13) The owner and operator (permittee) shall be held strictly accountable for any actions of his employees which violate any of the above provisions. (as added by Ord. #18-32, Oct. 2018)

8-226. <u>Investigation of applicants, agents, and/or employees</u>. Applicants for a permit under this chapter and their agents or employees are subject to be investigated by any municipal, county or state authorities, including members of the beer board, and must submit such information and records as the board may require. (as added by Ord. #18-32, Oct. 2018)

8-227. Suspension and revocation of beer permits. (1) All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the board for the violation of any of the provisions of this chapter or of state law. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. The board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked. Complaints filed against any permit holder by any citizen for the purpose of suspending or revoking his permit shall be made in writing and filed with the board.

(2) When the board shall have reason to believe that any permit holder violated the provisions of the state beer act or any of the provisions of this chapter, the board is authorized to notify the permittee of said violations and to cite said permittee, by written notice, to appear and show cause why the permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee at the address indicated by the permittee either by certified mail, return receipt requested or by a member of the police department of the Town of Pleasant View. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. Adequate public notice under the circumstances shall be given of the hearing.

(3) <u>The chairman of said board is authorized to compel the attendance</u> of witnesses by subpoena issued by the clerk of the city court. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit.

(4) <u>The action of the board in all such hearings shall be final</u>. When a permit has been revoked, no new permit shall be issued for the sale of beer at the same location until the expiration of:

(a) At least one (1) year (three hundred sixty-five (365) days) from the date said revocation becomes final, or

(b) Ninety (90) days from the date ownership in the property where the establishment is located changes hands after the date the revocation becomes final. A change in ownership means outside the immediate family of the original individual owners, and further means that no original owner or his immediate family continues to have any interest in a partnership, corporation, or other business entity involved in successor ownership. (5) <u>Responsible vendor certification</u>. Should permittee be certified as a responsible vendor, it is the permittee's responsibility to furnish to the beer board a copy of such certification at least five (5) days prior to the hearing. The beer board staff will check the certification. Upon proof of valid certification, the beer board shall only assess a civil penalty as specified in appendix A, comprehensive fees and penalties, on a first offense sale to a minor. The beer board shall not have the option of suspension or revocation on a first offense sale to a minor.

(6) Should the beer board determine that a sale to a minor occurred by an off-premises beer permit holder certified under the responsible vendor act, the beer board shall notify the TABC within fifteen (15) days of such finding of the name of the permit holder and the clerk. (as added by Ord. #18-32, Oct. 2018)

8-228. <u>Guidelines for discipline for violation; civil penalty in lieu</u> of suspension. (1) <u>Responsible vendors</u>. (a) First offense for sale to a minor: The beer board must offer a permit holder who is qualified as a responsible vendor a civil penalty as specified in appendix A, comprehensive fees and penalties, or the maximum penalty allowed by state law for the first offense in a calendar year of making or permitting to be made any sales to minors.

(b) Second offense for sale to a minor: The beer board may issue an order of suspension of the beer permit for sixty (60) days for the second offense of making or permitting to be made any sales to minors or for any other second offense. The responsible vendor status will be revoked by the TABC.

(c) Third offense for sale to a minor: Upon the third offense in a calendar year of making or permitting to be made any sales to minors, the responsible vendor no longer has responsible vendor status and the beer board may, at its discretion, issue discipline with a permanent revocation and a ban on reapplying for one (1) year.

(d) First offense for other violation: The beer board may offer a civil penalty as specified in appendix A, comprehensive fees and penalties, for any other first time offense.

(e) Second offense for other violation: The beer board may issue an order of suspension of the beer permit for sixty (60) days for the second offense for any offense other than a sale to a minor while qualified as a responsible vendor.

(f) Third offense: The beer board may issue an order of permanent revocation and a ban on reapplying for a beer permit for one (1) year for the third offense for any offense other than the sale to a minor while qualified as a responsible vendor.

(g) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven 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.

(2) <u>Non-responsible vendors; all others</u>. The imposition of penalties shall be within the sole discretion of the beer board. The guidelines are meant to insure fairness and consistency among persons charged with the same offense, but the beer board may depart from these guidelines whenever the evidence indicates that particular aggravating or mitigating circumstances exist. The beer board may also add conditions to any penalty including but not limited to probation or additional training of employees.

(a) First offense: The beer board may offer a permit holder who is not qualified as a responsible vendor a civil penalty as specified in appendix A, comprehensive fees and penalties, for the first offense of making or permitting to be made any sales to minors or, a civil penalty as specified in appendix A, comprehensive fees and penalties, for any other first offense.

(b) Second offense: The beer board may issue an order of suspension of the beer permit for sixty (60) days for the second offense of making or permitting to be made any sales to minors or for any other second offense.

(c) Third offense: The beer board may issue an order of permanent revocation and a ban on reapplying for a beer permit for one (1) year for the third offense of making or permitting to be made any sales to minors or for any other third offense.

(d) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven 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. (as added by Ord. #18-32, Oct. 2018)

8-229. Beer wholesalers, etc., to deal only with licensed retailers.

It shall be unlawful for any wholesaler, distributor, or manufacturer of beer, or any salesman or representative thereof, to sell or deliver beer in route, or from delivery vehicles, to any persons other than the holders of valid retail beer permits. It shall be the duty of such wholesaler, distributor, or manufacturer, or such salesman or representative, to ascertain whether or not such purchaser is a holder of a valid beer permit. (as added by Ord. #18-32, Oct. 2018)

8-230. Beer manufacturing, wholesale, and distribution.

(1) The manufacturing of beer for human consumption is permitted in the Town of Pleasant View but is subject the limitations and restrictions set forth by the State of Tennessee including, but not limited to, the regulations set forth in <u>Tennessee Code Annotated</u>, § 57-5-101 <u>et</u>. <u>seq</u>.

(2) Further, no manufacturer or wholesaler of beer shall maintain more than one place of business. However, the beer permit board in its discretion may issue a special permit to any distributor to allow the distributor to store beer in a warehouse or building apart from the building from which the business is conducted. In addition, distributors are authorized to store draft beer for refrigeration purposes only in one (1) additional icehouse or refrigeration plant under the following conditions:

(a) For the purpose of this chapter, any employee of the icehouse or refrigeration plant who may be in any manner connected with the sale or distribution of beer stored therein shall be deemed to be an employee of the wholesaler or distributor when beer is stored, and any violation of this chapter or any provisions of the beer law by the employees shall be deemed to be a violation by the wholesaler or distributor.

(b) Except sales from trucks from duly authorized salesmen, or as otherwise provided herein, no beer shall be transferred from, sold in, stored in, brought to rest in, sold from, possessed in, receipted for at, manufactured, wholesaled, or distributed from any other place, building, or location, except from the building, place, or location set out and called for in the wholesaler's, distributor's, or manufacturer's beer permit, or the icehouse or refrigeration plant or both. No beer shall be transferred to a retailer or any other purchaser except from the location called for in the wholesaler's, distributor's, or manufacturer's beer permit, or the ice house or refrigeration plant or both by any wholesaler, distributor, or manufacturer or their salesmen or authorized representatives.

(3) A manufacturer of beer may maintain a manufacturer's tap room for the purpose of selling beer for consumption on or off premises with a manufacturer's permit. (as added by Ord. #18-32, Oct. 2018)

8-231. <u>Sale of draft beer for off-premises consumption authorized</u> <u>for certain permittees</u>. Draft beer may be sold for off-premises consumption only by the holder of an off-premises beer permit or manufacturer's permit. Both off-premises permit holders and manufacturer's permit holders may fill or refill growlers on demand with beer for off-premises consumption provided the label as required by this section is affixed to the growler.

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. 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. 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. (as added by Ord. #18-32, Oct. 2018)

8-232. <u>Penalty for violation of chapter</u>. Except as provided specifically elsewhere in this chapter, each day's violation of each or any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor which shall be punishable by a fine as specified in appendix A, comprehensive fees and penalties, or by suspension or revocation of the permit issued hereunder, or by such fine and suspension or revocation. (as added by Ord. #18-32, Oct. 2018)

8-233. <u>Employees liable for violations of chapter</u>. Any employee of any permittee who violates the provisions of this chapter or any provision of the State Beer Act while so employed by such permittee shall be guilty of a misdemeanor which shall be punishable by a fine as specified in appendix A, comprehensive fees and penalties. (as added by Ord. #18-32, Oct. 2018)

8-234.<u>Two-for-one drinks prohibited</u>. Establishments licensed within the Town of Pleasant View to sell alcoholic beverages for consumption on the premises, the beverages including, but not limited to, beer, shall not advertise for sale or offer for sale such beverages in a manner which results in the purchaser being simultaneously served two (2) or more drinks or containers for the price of one (1). Any violation of this section, upon conviction, shall be punished by a fine of not less nor more than fifty dollars (\$50.00), the fine to be paid by the owner or person in charge of the establishment at the time of sale. (as added by Ord. #18-32, Oct. 2018)

8-235. <u>Implied consent</u>. The holder of any license issued pursuant to this chapter shall be deemed to have given consent to the chief of police, assistant police chief, building commissioner, or other agents of the Pleasant View Beer Board, for the inspection of any area of the licensed premises and inspection of any and all records maintained by such licensee in connection with the sale of beer for which a license is held in order to determine compliance with the provisions of this chapter. The holder shall be given a reasonable time to produce any such records which are not stored on the premises. Failure to consent to inspection as herein prescribed shall result in the immediate suspension of the permittee's permit. (as added by Ord. #18-32, Oct. 2018)

Beer	
Application fee - beer permit	\$250.00 each
Employee and permit holder violations	\$50.00 per day per offense
Minor purchasing or attempting to purchase alcoholic beverages	First offense: minimum \$100.00
	Maximum \$500.00
	Succeeding offenses: Minimum \$250.00
	Maximum \$1,000.00
Privilege tax	\$100.00 annually (prorated for new permits with application)
Beer board-imposed violations for responsible vendors with certification	Up to \$1,000.00 for first offense for permitting sales to a minor
	Up to \$1,000.00 per any other offense
Beer board-imposed violations for responsible vendors without certification	Up to \$2,500.00 per offense for permitting sales of alcoholic beverages to minors
	Up to \$1,000.00 per any other first offense
Outdoor cafés	
Liability insurance	Minimum \$1,000,000.00
Sidewalk dining permit	Initial \$100.00
	Annual renewal \$100.00
Violations	\$50.00 per day per offense

Appendix A - Pleasant View Beer Code

(as added by Ord. #18-32, Oct. 2018)

CHAPTER 3

DELETED

(as deleted by Ord. #18-32, Oct. 2018)

CHAPTER 4

WINE IN A RETAIL FOOD STORE

SECTION

8-401. Definitions.

8-402. Certificate of compliance by the town.

8-403. Expiration of certificate of compliance.

8-401. <u>**Definitions.**</u> Whenever used herein, unless the context requires otherwise:

(1) "Retail food store" means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in <u>Tennessee Code Annotated</u>, § 67-6-228(a) and has retail floor space of at least one thousand two hundred (1,200) square feet.

(2) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed eighteen percent (18%) by volume. No other product shall be called wine unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine. Wine does not mean alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additions. (as added by Ord. #16-06, June 2016)

8-402. <u>Certificate of compliance by the town</u>. As a condition precedent to the issuance of a license by the alcoholic beverage commission, <u>Tennessee Code Annotated</u>, § 57-3-806 requires that the retail food store obtain a certificate of compliance. In order to obtain a certificate of compliance, an applicant shall first apply on a form furnished by the city recorder. Upon verification that the applicant meets the requirements of <u>Tennessee Code Annotated</u>, § 57-3-806(b), the mayor may issue the certificate without action by the board of mayor and aldermen. Alternatively, members of the council may sign the certificate and the certificate shall be issued when a majority of the members have signed it. The certificate shall be granted or denied within sixty (60) days after the application for the certificate is submitted to the town. (as added by Ord. #16-06, June 2016)

8-403. Expiration of certificate of compliance. A certificate of compliance for the sale of wine at a retail food store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six (6) months of the date

of the certificate, or if the retail food store for which a certificate was granted is not in operation within twelve (12) months following the issuance of the certificate; provided, however, that the mayor or a majority of the board of mayor and aldermen may, upon written request of the applicant, extend the expiration date of a certificate for up to three additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this article are met at the time the new applicant is received. (as added by Ord. #16-06, June 2016)

CHAPTER 5

SIDEWALK CAFÉS

SECTION

- 8-501. Definitions.
- 8-502. Purpose and scope.
- 8-503. Permit and application.
- 8-504. Permit--criteria and conditions of issuance.
- 8-505. Sidewalk café regulations.
- 8-506. Permit revocation or suspension.
- 8-507. Penalties for violations
- 8-508. Compliance with Americans with Disabilities Act.
- 8-509. Conflicts with other code sections.

8-501. <u>Definitions</u>. (1) A "sidewalk café" is any group of tables and/or chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk for use in connection with ordering, purchasing, and consuming food and beverages sold to the public from, or in, an adjoining indoor restaurant. For the purposes of this section, an indoor business selling food for consumption on the premises located within fifty feet (50') in any direction shall be considered an adjoining indoor restaurant.

(2) "Permittee" means the recipient of a sidewalk dining permit under this chapter.

(c) "Removable barrier" or "barrier" means a physical separator that can easily be lifted and moved immediately without the assistance of tools.

(4) "Sidewalk" means that area of public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines reserved for pedestrian traffic, not including street crossings. (as added by Ord. #18-28, Sept. 2018)

8-502. Purpose and scope. The purpose of this chapter is to provide for the authorization and regulation of sidewalk cafés as operated by qualified and licensed businesses on public sidewalks within the town. This chapter shall not apply to any patio or other outdoor seating area located on private property.

Nothing in this chapter requires the town to make property available for a sidewalk café or otherwise provide a business with space for a sidewalk café. (as added by Ord. #18-28, Sept. 2018) 8-503. <u>Permit and application</u>.¹ A business licensed to serve food and/or drinks may apply to the city recorder for an annual permit to utilize certain public areas designated for use as sidewalk cafés located within fifty feet (50') of the business location for outdoor seating and service. The city recorder will consult with the building commissioner prior to granting any permit under this chapter. The building commissioner will provide input on potential safety and welfare concerns. Permits grant a privilege for one (1) calendar year, or the remaining portion thereof, and are subject to annual review and renewal. The applicant must submit a renewal application or notice of non-renewal within thirty (30) days of the permit expiration. The permit application shall include:

(1) Name of applicant;

(2) A copy of a valid Cheatham County business license to operate a food and/or beverage service business in front of which the sidewalk café will be located;

(3) A copy of the current certificate of insurance in the amounts and categories required by this chapter;

(4) A diagram identifying the perimeter of the proposed sidewalk café area, the dimensions of the area, the distance from perimeter to curb or nearest obstacle, number and placement of tables, and the design and materials of any requested divider; and

(5) Non-refundable payment of the annual permit fee of one hundred dollars (\$100.00). (as added by Ord. #18-28, Sept. 2018)

8-504. <u>Permits--criteria and conditions of issuance</u>. (1) In reviewing the application for a sidewalk café, the building commissioner or his/her designee will consider the following criteria in determining whether a permit will be issued:

(a) Qualifications. Permits may only be issued incidentally with the operation of a properly licensed business.

(b) Location. In order to ensure safety to patrons and the public, the outdoor seating area of the sidewalk café may only extend directly from the storefront and must be within fifty feet (50') of the storefront.

(c) Arrangement. The permit application shall include a diagram showing the location of the sidewalk café in relation to the surrounding buildings, streets, and sidewalks, along with the location of all furnishings to be placed in the sidewalk café.

(d) Barriers. If approved, applicants may include non-permanent barriers separating the sidewalk café from the remaining sidewalk that can be disassembled and removed if necessary. The design

¹Permits, release/hold harmless agreements, insurance requirement forms, and site drawing guidelines are available in the office of the recorder.

of the barrier if requested must be included in the permit application and shown on the diagram submitted with the permit application. If requested, the barrier should be of a simple post and chain construction, with posts of thirty-three to thirty six inches (33-36") in height above the surface of the sidewalk.

(e) Lighting. Sidewalk cafés shall be well lit areas with light density of at least one (1) foot candle throughout the designated café area.

(2) The applicant must acknowledge by signature that compliance with the regulations provided for by this ordinance are a condition of operating a sidewalk café.

(3) The issuance of a permit shall not be construed or interpreted to convey any property rights or any estate in land to any person or business. Sidewalk café permits are a non-transferable privilege that will expire upon change in use of the facility.

(4) <u>Indemnification</u>. As a condition of issuance, the approved applicant and any person acting under or pursuant to said approval, agrees to indemnify, hold harmless, release, and defend (even if the allegations are false, fraudulent, or groundless) to the maximum extent allowed by law, the town and its agents, officers, employees, and representatives, from and against all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorneys' fees and costs of litigation) which in whole or in part result from arise out of, or are claimed to result from or arise out of the operation, existence or approval of a sidewalk café or in any matter connected with any acts, operations, privileges authorized, allowed, or undertaken pursuant to the use of city sidewalks pursuant to this chapter, including, without limitation, any condition of property used as a sidewalk café.

(5) <u>Insurance</u>. The approved sidewalk café permittee shall be required to have general liability insurance showing limits equal to or greater than those of <u>Tennessee Code Annotated</u>, § 29-20-403, with the town listed as an additional insured.

(6) <u>Permit nontransferable and right of first refusal</u>. Permits issued by the city recorder shall not be transferred from one (1) person/business to another. Where the holder of a permit desires to move his place of business from one location to another, he/she shall apply for a new permit for the new location. A valid permit holder shall have the right of first refusal for the sidewalk café currently in use by the permit holder provided the permittee complies with the renewal notice requirements set forth in § 8-503 of this chapter. (as added by Ord. #18-28, Sept. 2018)

8-505. <u>**Regulations.**</u> (1) <u>Limitations on location</u>. No obstruction may be placed within two feet (2') of a curb or within five feet (5') of a fire hydrant, pedestrian crosswalk, or handicapped corner curb cut. No sidewalk café shall be permitted within the right-of-way of any state or federal route or within twenty-five feet (25') of a collector road or arterial road. No sidewalk café shall

be permitted within twenty-five feet (25') of any intersection with a state or federal route, arterial street, or collector street. No sidewalk café shall be permitted if it will limit, obstruct, or encroach upon a sidewalk in such a way that there is not adequate ingress and/or egress as determined by the building commissioner. No sidewalk café will be permitted if it's existence would fail to leave a minimum of five feet (5') of ingress/egress on any affected sidewalk. No sidewalk café will be permitted if its establishment would cause a sidewalk to no longer comply with the sidewalk requirements in the Americans with Disabilities Act.

(2) <u>Sanitation</u>. The permittee business shall keep the area covered by the permit clean, neat, and orderly at all times. The business is responsible for removing all debris and trash from the sidewalk café at all times. The permit holder shall keep the sidewalk cafe and the pedestrian corridor surrounding it clean of any solid waste, including, food debris, paper, cups, bottles, cans, and other garbage associated with the operation of the sidewalk café space on a daily basis. The public right-of-way within and adjacent to the sidewalk café must be washed down with water and detergent when needed and cleaned on a daily basis. Any stains from spills must be removed promptly by the permittee. The permittee must properly dispose of all waste and trash.

(3) <u>Furnishings</u>. Furnishings shall not be secured to lamp posts, streetlights, trees, or any public fixtures. All furnishing shall be removed from the sidewalk café from time to time as required by the city. Should a severe storm warning be issued, all outdoor furniture shall be removed from the sidewalk café. Additionally, the following regulations shall apply:

(a) Tables and chairs. Tables and chairs shall match and be made of safe, sturdy, and durable material. All furniture shall be commercial grade and manufactured for outdoor use. Plastic or PVC furniture shall be prohibited. Where the nearest curb abuts on-street parking, tables shall be oriented parallel to the curb so as to allow ingress and egress between the sidewalk and the on-street parking.

(b) Umbrellas. Each table may be equipped with one (1) umbrella which shall be maintained in good, clean, and operable condition. In accordance with state law, table umbrellas shall have no signs or advertisements marketing beer or other alcoholic beverage on them. The lowest dimension of the umbrella shall maintain a minimum of seven foot (7') vertical clearance above the sidewalk, when extended, to allow for patron and server circulation.

(c) Signs. All sidewalk café's shall have conspicuous signs located at all areas of ingress and egress that indicates that "alcohol is not permitted beyond this point."

(d) All kitchen equipment and refuse containers used to service the sidewalk café shall be located inside the primary business, and should not be located in an area to obstruct patrons and waitstaff from traveling to and from the sidewalk café. (4) <u>Alcohol</u>. Only a properly permitted business which holds a valid alcohol license for consumption on the premises may serve alcohol to customers in the sidewalk café. Such service of alcohol shall be subject to all restrictions set out in chapter 8 of this code, except as outlined below, and the following restrictions:

(a) Alcohol may only be served in the sidewalk café during the hours allowed under the town's ordinance for service.

(b) Patrons may not be in possession of more than one (1) alcoholic beverage.

(c) Patrons may not remove alcohol from the premises of the business or sidewalk café. The area set aside for the sidewalk café shall be considered part of the premises for the purposes of consumption of alcoholic beverages.

(d) Alcohol may only be served in a glass, furnished by the business, with the businesses logo conspicuously displayed on the glass.

(e) Advertisement of alcoholic beverages is permitted within the sidewalk café. Any signs, brochures, menus, or stand up boards must be confined to the sidewalk café table tops only, notwithstanding advertisement printed or installed on umbrellas by the umbrella manufacturer if in compliance with <u>Tennessee Code Annotated</u>, § 57-5-304 and § 8-505(3)(b) of this chapter.

(4) <u>Sound</u>. Music, live or recorded, or other amplified sound shall be allowed within the sidewalk café, provided it does not violate the town's ordinances related to noise.

(5) <u>Hours of operation</u>. No sidewalk café shall operate after 11:00 P.M. on Saturday or Sunday morning. No sidewalk cafe shall operate after 11:00 P.M. on any other day of the week. Permit holders shall ensure that their sidewalk cafés are not available for use after the hours specified in this subsection.

(6) <u>Enforcement power</u>. Any law enforcement agency with jurisdiction within the Town of Pleasant View has the authority to enforce these regulations. (as added by Ord. #18-28, Sept. 2018)

8-506. <u>Permit revocation or suspension</u>. Issuance of a sidewalk café permit is conditional. Any permit issued pursuant to this regulation may be immediately canceled upon existing permit expiration or may be suspended by the building commissioner for any reason and at any time. A permit may also be suspended or revoked by the building commissioner or his/her designee if it is determined that:

(1) Any necessary business or health permit has been suspended, revoked, or cancelled.

(2) The permit holder is not in compliance with any of the regulations with respect to the sidewalk café.

(3) The permit holder has failed to correct violations of this chapter or any other ordinance within forty-eight (48) hours of receipt of the notice of same delivered in writing to the permit holder.

(4) The permit holder has a history of violations of this chapter of three (3) or more within a two (2) year period, or immediately upon any violation depending upon the severity of the violation.

(4) Permits may be suspended for a period up to twelve (12) months depending upon history and severity of the violation. (as added by Ord. #18-28, Sept. 2018)

8-507. <u>Penalties for violations</u>. In addition to possible suspension or revocation of the permit, a fine of fifty dollars (\$50.00) per day shall be imposed for violations of this chapter. (as added by Ord. #18-28, Sept. 2018)

8-508. <u>Compliance with Americans with Disabilities Act</u>. Any person receiving a permit hereunder agrees to fully comply with all requirements of the Americans with Disabilities Act as currently existing or as may be hereafter amended. (as added by Ord. #18-28, Sept. 2018)

8-509. <u>Conflict with other code sections</u>. Where provisions of this chapter conflict with title 8 of this code or those provisions found in title 16, the provisions of this chapter shall prevail. (as added by Ord. #18-28, Sept. 2018)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

- 1. PEDDLERS, SOLICITORS, ETC.
- 2. CABLE TELEVISION.
- 3. MOBILE FOOD VENDING.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.

SECTION

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedures.
- 9-105. Restrictions on peddlers, street barkers and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Restrictions on fireworks vendors.
- 9-108. Display of permit.
- 9-109. Suspension or revocation of permit.
- 9-110. Expiration and renewal of permit.
- 9-111. Violation and penalty.

9-101. <u>Definitions</u>. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature for future delivery, except that the term shall

¹Municipal code references

Building, plumbing, and housing regulations: title 12. Beer regulations: title 8. Zoning: title 14.

not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public on the streets of the town for any charitable or religious organization. No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one (1) of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of the United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Cheatham County for a period of two (2) years prior to the date of its application for registration under this chapter.

(d) Is associated with a school located in Cheatham County.

(e) Is a recognized non-profit community group, including, but not limited to athletic leagues, community service organizations/clubs and volunteer fire departments.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the town, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5)"Transient vendor" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks or merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than eleven (11) consecutive months or has occupied the premises as his or her permanent residence for more than eleven (11) consecutive months. For the purpose of this definition "vard sale or garage sale" means a sale of used or preowned household goods on private property for no more than four (4) consecutive days consisting of Thursday, Friday, Saturday and Sunday, and more than ten (10) days in a calendar year.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to

selling or offering to sell novelty items and similar goods in the area of the festival or parade. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and Ord. #16-11, Aug. 2016, and replaced by Ord. #22-13, Nov. 2022 $Ch4_02-13-23$)

9-102. <u>Exemptions</u>. The terms of this chapter shall neither apply 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 persons selling agricultural products, who, in fact, themselves produced the products being sold. (Ord. #99-17, Dec. 1999, as replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-103. <u>Permit required</u>. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes on the streets of the town or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. Provided however, that solicitors for charitable or religious purposes shall not be required to obtain a permit for solicitations other than those to be conducted on the streets of the town. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 $Ch4_02-13-23$)

9-104. <u>Permit procedures</u>. (1) <u>Application form</u>. A sworn application containing the following information shall be completed and filed with the office of the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) Location of operation, if applicable.

(d) The dates for which the applicant intends to do business or make solicitations.

(e) The names and permanent addresses of each person who will make sales or solicitations within the town.

(f) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(g) Tennessee state sales tax number, if applicable.

(h) Two (2) means of identification; one (1) of which being government issued.

(i) Tennessee Bureau of Investigation criminal history record (within last thirty (30) days).

(2) <u>Permit fee</u>. Each applicant for a permit as a peddler, transient vendor, solicitor, street barker or solicitor for subscriptions shall submit with his application a non-refundable fee of fifty dollars (\$50.00). Each applicant for a permit as a solicitor for charitable or religious purposes on the streets of the town shall submit with his application a non-refundable fee of ten dollars (\$10.00).

(3) <u>Permit issued</u>. Upon the completion of the application form and the payment of the permit fee, the office of the city recorder shall issue a permit on a form approved by the mayor to the applicant.

(4) <u>Submission of application form to chief of police</u>. Immediately after the applicant obtains a permit from the office of the city recorder, the office shall submit to the chief of police a copy of the application form and the permit. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-105. <u>Restrictions on peddlers, street barkers and solicitors</u>. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk within the town.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind, except for solicitors for charitable or religious purposes as provided for herein.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the town.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meeting, is located. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-106. <u>Restrictions on transient vendors</u>. (1) A transient vendor shall not advertise, represent, or hold forth the sale of merchandise as defined in § 9-101(5), as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacture's wholesale, canceled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire,

water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

(2) Renewal of permits for transient vendors shall not exceed eleven (11) within a calendar year. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 $Ch4_02-13-23$)

9-107. <u>Restrictions on fireworks vendors</u>. (1) The sale of fireworks within the Town of Pleasant View, Tennessee is limited to the following seasonal time periods:

(a) June 20th through July 5th; and

(b) December 10th through January 2nd.

(2) A permit is required for each seasonal time period that fireworks are sold.

(3) A copy of the fireworks vendor(s) State of Tennessee Fireworks Permit shall be submitted at the time of application.

(4) Each vendor location within the town limits shall have a separate sales tax certificate of registration.

(5) Each vendor shall submit proof of liability insurance in the insured amount of one million dollars (\$1,000,000.00), with the Town of Pleasant View listed as the certificate holder.

(6) Documentation of sales tax returns shall be filed no later than thirty (30) days after the permit expires.

(7) Each vendor shall submit proof that any tent erected by vendor is flame retardant.

(8) A list of other requirements for holding a fireworks permit within the Town of Pleasant View will be provided upon issuance of a permit. The vendors site shall be inspected by the fire marshal and the building commissioner prior to the sale of any fireworks by the vendor. A temporary building permit and certificate of occupancy must be issued prior to the sale of any fireworks by the vendor.

(9) Each vendor may erect not more than two (2) signs (including banners and flags) at any location advertising the sale of fireworks.

(10) The fee for the issuance of a fireworks permit shall be seven hundred fifty dollars (\$750.00) per season.

(11) Any violation of any requirement of the Town of Pleasant View by the vendor and/or their subsidiaries shall result in the denial of issuance of a fireworks permit for a period of three (3) years.

(12) Each vendor shall have seven (7) days from the last day of sales to remove any tent or other temporary structure from the sale site. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, 2004, and Ord. #05-17, Aug. 2005, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-108. <u>Display of permit</u>. Each peddler, street barker, solicitor, solicitor for charitable or religious purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or

solicitations, and shall be required to display the same to any police officer or person solicited upon demand. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-109. <u>Suspension or revocation of permit</u>. (1) <u>Suspension by the recorder</u>. The permit issued to any person or organization under this chapter may be suspended by the office of the city recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in subsection (1) above. Notice of the hearing for revocation of a permit shall be given by the office of the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at their 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. (Ord. #99-17, Dec. 1999, as replaced by Ord. #22-13, Nov. 2022 $Ch4_02-13-23$)

9-110. Expiration and renewal of permit. The permit of peddlers, solicitors, transient vendors, and solicitors for subscriptions shall not exceed thirty (30) days. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the chapter. The permit of solicitors for religious or charitable purposes shall expire on the date provided in the street solicitation permit. Renewal of permits for transient vendors shall not exceed six (6) within a calendar year and permits for street solicitation shall not be issued more than once every six (6) months to each club, charity, religious organization, etc. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 Ch4_02-13-23)

9-111. <u>Violation and penalty</u>. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation occurs shall constitute a separate offense. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

CHAPTER 2

CABLE TELEVISION

SECTION

9-201. To be furnished under franchise.

9-201. To be furnished under franchise. Cable television service shall be furnished to the Town of Pleasant View and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Pleasant View 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.¹

¹For complete details relating to the cable television franchise agreement see Ords. #97-18, Dec. 1997 and #98-10, Dec. 1998 in the office of the city recorder.

CHAPTER 3

MOBILE FOOD VENDING

SECTION

- 9-301. Purpose.
- 9-302. Definitions.
- 9-303. Generally.
- 9-304. Locations and hours of operation.
- 9-305. Operating requirements.
- 9-306. Mobile food service permits.
- 9-307. Food truck rallies.

9-301. <u>Purpose</u>. This article recognizes the unique physical and operational characteristics of mobile food vending and establishes standards for the typical range of activities and mitigates or prohibits practices that are contrary to the health, safety, and welfare of the public. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*)

9-302. <u>Definitions</u>. (1) "Canteen trucks" means vehicles that operate to provide food services to employees at a location where access to other good service is impractical (e.g., a construction site); from which the operator vends fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods, and pre-packaged drinks that require no preparation or assembly of foods or beverages except for the heating of pre-cooked foods; which operate at a single location for a period not longer than one and one-half (1 1/2) hours; and which do not advertise in any form to the general public except by virtue of signage on the vehicle. Canteen trucks that operate other than as defined herein are food trucks and must comply with all food truck regulations.

(2) "Food trucks" means vehicles from which the operator cooks, prepares, or assembles food items (including products sold by canteen trucks and ice cream trucks) with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.

(3) "Food truck rallies" means coordinated and advertised gatherings of more than four (4) food trucks in one (1) location on a date certain with the intent to serve the public.

(4) "Ice cream trucks" means vehicles from which the operator vends only pre-packaged frozen dairy or frozen water-based food products, soft serve, or hand-dipped frozen dairy products or frozen water-based food products, and pre-packaged beverages.

(5) "Location" means any single property parcel and all other parcels that is contiguous or cumulatively contiguous to that owned or controlled by a single or affiliated entities. (6) "Mobile food service permit" means a permit issued by the town for the operation of food trucks, special events, town co-sponsored events, or an approved food truck rally.

(7) "Mobile food service vehicle" means a food truck, a canteen truck, or an ice cream truck and includes any other portable unit that is attached to a motorized vehicle and that is intended for use or in service to the operations of the mobile food service vehicle.

(8) "Operate" means to promote or sell food, beverages, and other permitted items from the mobile food service vehicle and includes all tenses of the work.

(9) "Operator" means any person owning, operating, or permitted to operate a food truck and collectively refers to all such persons.

(10) "Vehicle," as used in this article, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices moved by human power or used exclusively upon stationary rails or tracks. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*)

9-303. <u>Generally</u>. (1) It is a violation to operate a mobile food service vehicle at any location except in compliance with the requirements of this article.

(2) Mobile food service vehicle operators must comply with all state and local business tax regulation. (as added by Ord. #18-38, Jan. 2019 $Ch4_02-15-23$)

9-304. Locations and hours of operation. (1) Food trucks.

(a) Rights-of-way. Food trucks shall not set up, sell food, advertised or be stored on any right-of-way, except as part of a town approved special event permit or town sanctioned special event.

(b) Public property. Food trucks may operate at times in town parks upon approval by the Parks and Recreation Board of the Town of Pleasant View. Concessions that are a part of local youth league sports as approved as part of the contract of use of the sports complex are exempt from permit but must be located within the park complex and approved by the parks and recreation board. Sanctioned special events hosted by the town are exempt from this section.

(c) Private property. Food trucks may operate on private property where there is a commercial, office, educational, church or industrial use subject to the following conditions:

(i) Permission. Food Trucks selling to the public from private property shall have the written permission of the property owner, which shall be made available to the town immediately upon request.

(ii) Unimproved properties. Regardless of an agreement with the owner of the property, a food truck may not operate on an

unimproved parcel or portion of an unimproved parcel unless that parcel is paved, has paved ingress and egress, and has on the parcel a principal structure with an operating restroom.

(iii) Frequency. Food trucks may operate no more than four (4) days per calendar week at a location on privately owned property.

(iv) Maximum number of food trucks. No more than two (2) mobile food trucks may operate at any location with coordinated advertising to the public unless a special event permit has been secured.

(v) Existing parking spaces. Mobile food trucks may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.

(vi) Minimum distance to established restaurant. No food vendor or food truck may set up within three-hundred feet (300') of the front entrance of any existing restaurant without the written permission of that establishment with the exception if it is a sanctioned special event hosted by the town.

(d) Restroom facility. Food trucks operating at a location for a duration of more than two (2) hours must have a written agreement, available upon request by the city, that permits employees to have access to a flushable restroom no more than four hundred fifty feet (450') of the vending location during all the hours of operation.

(2) <u>Canteen trucks</u>. (a) Locations. (i) Right-of-way. Canteen trucks shall not operate from the right-of-way to cater to on-site employees. Canteen trucks must pull onto sites served. Canteen trucks may only stay on a site for one and a half (1 1/2) hours.

(ii) Food truck rallies. A canteen truck may operate at a food truck rally only after complying with all requirements applicable to a food truck.

(b) Hours of operation. Canteen trucks may operate after 5:00 A.M. and before 6:00 P.M. in all areas.

(3) <u>Ice cream trucks</u>. (a) Locations. (i) Right-of-way. An ice cream truck may operate from any minor street right-of-way at any one (1) location for no more than fifteen (15) minutes without relocating to another location not less than one-quarter (1/4) mile from the previous location. Ice cream trucks shall not sell from collector or arterial level rights-of-way.

(ii) Private property. An ice cream truck may operate on private property with written permission of the property owner, which will be immediately available to the town upon request. An ice cream truck may not require use of more than twenty-five percent (25%) of existing parking spaces. No ice cream truck may operate on the same or adjoining private property more than two (2) days per week.

(b) Hours of operation. Ice cream trucks may operate after 11:00 A.M. and before sunset. (as added by Ord. #18-38, Jan. 2019 $Ch4_02-15-23$, and amended by Ord. #20-09, Feb. 2021 $Ch4_02-13-23$)

9-305. Operating requirements. (1) Vehicle requirements.

(a) Design and construction. Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.

(b) Licensing. Mobile food service vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and, federal laws or regulations.

(2) <u>Right-of-way</u>. (a) Mobile food service vehicles may not operate, stop, stand, or park in any area of the right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the right-of-way or that present an unsafe condition for patrons, pedestrians, or other vehicles.

(b) Food trucks may operate within right-of-way as a part of a town approved special events permit in the event area designated by the special events permit.

(c) Unless authorized in writing by the town, all mobile food service vehicle are prohibited from operating in public alleys.

(3) <u>Business access</u>. No mobile food service vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise causes undue interference with access to other businesses or emergency areas, paths, or facilities.

(4) <u>Pedestrians</u>. A mobile food service vehicle may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet (6'). This includes all components of the unit and any patron queue. All awnings or canopies of the unit shall be at least six feet, eight inches (6'8") above the sidewalk.

(5) <u>Distance between units</u>. A mobile food service vehicle may not operate within three feet (3') of any other mobile food service vehicle.

(6) <u>Types of cooking apparatuses</u>. Open flame cooking (other than with a gas range specifically constructed and designed within the food truck) either within or outside a mobile food service vehicle is prohibited; except where such activity is specifically permitted by the local fire department. Canteen trucks may have installed within the vehicle a heating apparatus that is used only for serving heated precooked foods provided such apparatus is permitted by state and local regulations. Ice cream trucks can have no heating apparatus installed within the vehicle for the purpose of food service.

(7) <u>Noise</u>. Amplified music or other sounds from any mobile food service vehicles may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

(8) <u>Commissary</u>. If the operator has a fixed, non-mobile establishment or any other place that is used for the storage of supplies, the preparation of food to be sold or served at or by mobile food service vehicle, or the cleaning and servicing of the mobile food service vehicle, such a commissary location within the town cannot be located in any residential zoning district; unless such commissary complies with all applicable zoning regulations, building code requirements, and requirements of the utility district.

(9) <u>Utilities</u>. All mobile food service vehicles shall comply with the version of the electrical code currently adopted by the State of Tennessee and any power, water, or sewage required for the mobile food service vehicle shall be self-contained and shall not use utilities drawn from other sources.

(10) <u>Fire extinguishers required</u>. All mobile food service vehicles must be equipped with a 2-A:10-B:C fire extinguisher that is certified annually by a licensed company. Additionally, any mobile food service vehicle that produce grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K Class fire extinguisher that is certified annually by a licensed company.

(11) <u>Support methods</u>. No mobile food service vehicle may use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(12) <u>Pedestrian service only</u>. Mobile food service vehicles shall serve pedestrians only; drive-up, drive-thru, or drive-in service is prohibited.

(13) <u>Spills</u>. To prevent discharges into the storm drain system and river, each unit shall comply with all storm water regulations of the town. In addition, each unit shall have a spill response plan and kit on board to contain and remediate any discharge from the unit. In the event of a spill, operators are required to call Pleasant View Volunteer Fire Dept, to assist with the cleanup of spills and to determine the need for a more extensive response.

(a) Spill plan - food trucks must post, on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include:

(i) Description of and typical quantities materials that may be spilled;

(ii) Procedures for containing potentially spilled materials including proper disposal of spilled materials;

(iii) Procedures for storage, use, handling and transfer of materials to reduce potential for spilling;

(iv) Emergency notification requirements; and

(b) Spill kit - food trucks must have a response kit on the vehicle including:

(i) Minimum five (5) gallon storage and clean-up container capacity with lid;

(ii) Minimum of ten (10) adsorbent pads and two (2) adsorbent socks or equivalent;

(iii) Disposable bag adequate to hold contents of spill kit and spilled materials;

(iv) One (1) pair of disposable gloves.

(14) <u>Waste collection</u>. The area of a mobile food service vehicle operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than twenty feet (20') from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. The operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the mobile food service vehicle during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a mobile food service vehicle from a location.

(15) <u>Signage</u>. Mobile food service vehicles are limited to signs mounted to the exterior of the mobile food establishment and one (1) sandwich board sign with dimensions no larger than six (6) square feet. All signs mounted on the unit shall be secured and mounted flat against the unit and shall not project more than six inches (6") from the exterior of the unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. All signage and must at all times conform to community standards of decency.

(16) <u>Alcohol sales</u>. Food trucks may not sell alcoholic beverages. Canteen trucks and ice cream trucks are prohibited from selling alcoholic beverages.

(17) <u>Insurance requirements</u>. Mobile food service vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations.

(a) Food trucks operating on town property other than the right-of-way are required at all times to maintain insurance coverage in the form and amounts required by the town. In the event the required coverage is not properly maintained, the operator's mobile food service permit will be immediately revoked. The failure of the operator to notify the town of any change in coverage will preclude the operator from obtaining a permit for a period of six (6) months from the date the town learns of the failure to provide the required notification of change.

(b) Canteen trucks and ice cream trucks shall not operate on town property other than the right-of-way, except upon obtaining written permission from the city, and may be required to obtain insurance consistent with the type of operation permitted. (as added by Ord. #18-38, Jan. 2019 $Ch4_02-15-23$)

9-306. <u>Mobile food service permits</u>. (1) <u>Applicable</u>. No mobile food service vehicle may operate within the town without a mobile food service permit issued by the town. A mobile food service permit authorizes the holder only to engage in the vending of products from a mobile food service vehicle in compliance with town code and as specified on the permit. The mobile food service permit must be prominently displayed when the mobile food service vehicle is in operation.

(2) <u>Application</u>. A mobile food service vehicle operator shall apply for a mobile food service permit by payment of one (1) of the following, a twenty-five dollar (\$25.00) one (1) day application fee, or a thirty (30) day permit application fee of fifty dollars (\$50.00), or a two hundred dollar (\$200.00) annual application fee, the term of the permit shall begin on the date shown on the permit. The term of a permit shall be no longer than shown on the permit application or under no circumstance over one (1) year from issuance date.

(a) Complete an application form provided by the city, which shall include the following information:

(i) Name and address of the owner of the vehicle;

(ii) Name and address of the operator of the vehicle;

(iii) Three (3) color photographs of the exterior (front, side, and back) and interior food service portion of the vehicle in the final condition and with and with all markings under which it will operate;

(iv) A copy of the vehicle license and registration form reflecting the Vehicle Identification Number (VIN) of the mobile food service vehicle;

(v) A copy of the state or county health department license or permit applicable to mobile food providers;

(vi) A copy of the local fire marshal's inspection report;

(vii) A copy of the operator's Tennessee business license issued by the county or the operator's home-based county;

(viii) A copy of insurance coverage in the amount of one million dollars (\$1,000,000.00) general liability; and

(ix) A copy of any applicable and/or required business license whether it be state, county, or local.

(b) Permittee has an on-going duty to provide the town with notice of any change to any of the information required by the town to obtain a mobile food service permit, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.

(c) This section does not apply to contractual arrangements between a mobile food service vehicle operator and an individual, group,

or the town for catering at a specific location, for a period of not more than four (4) hours, and that is not open to or serving the public.

(3) <u>Issuance</u>. A mobile food service permit shall be issued upon full completion and review of the application required by this section except that no mobile food service permit will be issued to:

(a) An operator that operated within the prior six (6) months notwithstanding a mobile food service permit that is suspended or has been revoked; or

(b) An operator, or any person affiliated with the operator for purposes of operating a mobile food vehicle that is the subject of a suspended mobile food service permit or has held a mobile food service permit revoked with the prior twelve (12) months.

(4) <u>Expiration</u>. A mobile food service permit expires on the date twelve (12) months after issuance and may be renewed provided that all town requirements are met and the license has not been suspended or revoked.

(5) <u>Transferability</u>. A mobile food service permit may not be transferred except as part of the sale of an interest in a business holding the license or a sale of substantially all of the assets of a business holding the license.

(6) <u>Enforcement</u>. (a) Temporary permit. If an operator is found to be operating within the town and without a mobile food service permit, the operator will be cited and the town will issue a temporary permit that will allow the operator to operate for not more than one (1) hour after which time the temporary permit will be revoked. The operator will pay a fine of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, inspections, and correction of any circumstance resulting from operators failure to comply with this article.

(b) Warnings. A town enforcement officer may provide one (1) warning to any operator for a violation of this section except that a citation shall be issued as set forth in the section.

(c) Citation. A town enforcement officer must issue a citation to the mobile food service operator for the following:

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six(6) months; or

(ii) Any violation that constitutes ground for revocation of a mobile food service permit.

(d) Suspension. A mobile food service permit shall be suspended until restatement upon issuance of a citation for the following reasons:

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six(6) months;

(ii) The required vehicle license, health permit, or business tax license for the operator or the mobile food service vehicle has expired or been suspended, revoked, or otherwise terminated;

(iii) The operator fails to obtain or maintain the insurance coverages required by this section.

(e) Revocation. The town shall revoke a mobile food service permit after two (2) suspensions within a twelve (12) month period except that the mobile food service permit revoked:

(i) If an operator fails to obtain a permit and upon expiration of the temporary permit as set forth in the article; or

(ii) The operator operates in an unlawful manner such a manner as to constitute a breach of the peace, interferes with the normal use of the right-of-way, or otherwise constitutes a menace to the health, safety, or general welfare of the public.

(f) Reinstatement. (i) Suspension. An operator may reinstate a suspended mobile food service permit by payment of a fee of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.

(ii) Revocation. The town may allow an operator to reapply for a mobile food service permit after three (3) months from the date of revocation, the operator corrects all circumstances that lead to the violations, and the operator pays a fee of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.

(7) <u>Notice</u>. Upon denial, suspension or revocation of a mobile food service permit, the town shall give notice to the operator in writing. There shall be no refund of any other fee paid to the city.

(8) <u>Appeal</u>. Citation may be appealed to the board of mayor and aldermen, whose decision, which will be based upon a written summation of the facts submitted by the town enforcement officer charged with mobile food service permit compliance and the permit holder, is final. (as added by Ord. #18-38, Jan. 2019 $Ch4_02-15-23$, and amended by Ord. #20-09, Feb. 2021 $Ch4_02-13-23$)

9-307. <u>Food truck rallies</u>. All food truck rallies on public or private property require a special event permit. (as added by Ord. #18-38, Jan. 2019 $Ch4_02-15-23$)

9-17

TITLE 10

ANIMAL CONTROL

1. ANIMAL CONTROL REGULATIONS.

CHAPTER 1

ANIMAL CONTROL REGULATIONS

SECTION

10-101. Purpose.

- 10-102. Definitions.
- 10-103. Nuisances.
- 10-104. Caring for animals.
- 10-105. Cruelty to animals.
- 10-106. Restraint and confinement--generally.
- 10-107. Restraint of guard dogs.
- 10-108. Restraint of vicious or dangerous animals.
- 10-109. Property owners may impound.
- 10-110. Disposition of large animals.
- 10-111. Impoundment.
- 10-112. Quarantine.
- 10-113. Notice to owner and redemption.
- 10-114. Enforcement.
- 10-115. Violations and penalties.
- 10-116. Conflicting regulations.

10-101. <u>**Purpose</u>**. (1) The purposes of these regulations are to promote the public health, safety and general welfare of the citizens of the Town of Pleasant View, Tennessee in its incorporated area and to ensure the humane treatment of animals by regulating the care and control of animals within the Town of Pleasant View, Tennessee, in its incorporated areas.</u>

(2) When used in these regulations, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning. (as added by Ord. #05-13, June 2005)

10-102. <u>Definitions</u>. (1) "Animal" means any live creature, both domestic and wild, except humans. "Animal" includes fowl, fish and reptiles.

(2) "Animal control officer" means an employee or agent of the county, designated by the county mayor to administer and enforce the licensing, inspection and enforcement requirements contained within these regulations.

(3) "Animal hospital" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

(4) "Animal nuisance" means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

(5) "Animal shelter" means any facility operated by the county or humane society for the temporary care, confinement and detention of animals and for the humane euthanasia and other disposition of animals. The term shall also include any private facility authorized by the county mayor or his designee to impound, confine, detain, care for or destroy any animal.

(6) "At heel" means a dog is directly behind or next to a person and obedient to that person's command.

(7) "At large" means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

(8) "Cruelty" means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting. "Cruelty" shall mean a failure to employ the most hnmane method reasonably available.

(9) "Disposition" means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

(10) "Domestic animal" includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

(11) "Exotic animal" means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (felis domesticus), member of the canine species other than domestic dog (canis familiaris) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

(12) "Guard or attack dog" means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

(13) "Impoundment" means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

(14) "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for fee, or selling dogs or cats.

(15) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(16) "Owner" means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by these regulations. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

(17) "Public nuisance animal" means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

(a) Any animal that is repeatedly found running at large;

(b) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint or otherwise under the owner's control;

(c) Any animal that damages, soils, defiles or defecates on any property other than that of its owner;

(d) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(e) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;

(f) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;

(g) Any animal that chases motor vehicles in a public right-of-way;

(h) Any animal that attacks domestic animals;

(i) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(j) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

(18) "Sanitary" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(19) "Under restraint" means that an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(20) "Vicious or dangerous animal" means any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous.

(21) "Wild animal" means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. (as added by Ord. #05-13, June 2005)

10-103. <u>Nuisances</u>. It shall be unlawful for any person to keep any animal on any property located within the Town of Pleasant View, Tennessee, when the keeping of such animal constitutes a public nuisance or menace to public health or safety. (as added by Ord. #05-13, June 2005)

10-104. <u>Caring for animals</u>. (1) It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily and unreasonably expose any such animal in hot, stormy, cold or inclement weather.

(2) No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person. (as added by Ord. #05-13, June 2005)

10-105. <u>Cruelty to animals</u>. (1) It shall be unlawful for any person to willfully or maliciously strike, beat, abuse or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away or defend against vicious or trespassing animals.

(2) No person shall-administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents. (as added by Ord. #05-13, June 2005) **10-106.** <u>Restraint and confinement--generally</u>. (1) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the county.

(2) Any dog, while on a street, sidewalk, public way or in any park, public square or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

(3) No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

(4) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding. (as added by Ord. #05-13, June 2005)

10-107. <u>**Restraint of guard dogs**</u>. (1) Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure.

(2) The areas of confinement shall have all gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.

(3) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly from either the curb line or a distance of fifty (50) feet, whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day.

(4) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies. (as added by Ord. #05-13, June 2005)

10-108. <u>Restraint of vicious or dangerous animals</u>. Every vicious animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than three (3) feet in length, or caged. Every person harboring a vicious animal is charged with an affirmative duty to confine the animal in such a way that children do not have access to such animal. (as added by Ord. #05-13, June 2005)

10-109. <u>Property owners may impound</u>. Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as

possible, notify the department of animal control. The property owner shall provide a description of the animal and the name of the owner if known. The department shall dispatch an animal control officer to take possession of the animal. (as added by Ord. #05-13, June 2005)

10-110. <u>Disposition of large animals</u>. Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or other shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the county to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. (as added by Ord. #05-13, June 2005)

10-111. <u>**Impoundment**</u>. (1) In addition to any other remedies provided in these regulations, an animal control officer or a law enforcement officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

(a) Any animal at large;

(b) Any animal constituting a public nuisance or considered a danger to the public;

(c) Any animal that is in violation of any quarantine or confinement order;

(d) Any unattended animal that is ill, injured or otherwise in need of care;

(e) Any animal that is reasonably believed to have been abused or neglected;

(f) Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer or a law enforcement officer determines that there is a threat to public health and safety;

(g) Any animal that a court of competent jurisdiction has ordered impounded or destroyed;

(h) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

(2) An animal control officer or law enforcement officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil monetary penalty of twenty-five (\$25.00) dollars for the first offense and fifty (\$50.00) dollars for the second offense. The civil monetary penalties may, at the discretion of the animal owner, be paid to the animal control department within ten (10) days in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, the animal control department shall have the right to proceed to collect unpaid civil monetary penalty as provided in the violations and penalties section of these regulations. The third and subsequent offenses shall be prosecuted by misdemeanor citation when appropriate under state law. (as added by Ord. #05-13, June 2005)

10-112. Quarantine. The animal control department is lawfully empowered to quarantine for a period of ten (10) days from the date of impoundment any animal involved in the bite of a person. Bite being defined as the puncture of the skin of the victim where blood or bodily fluid is transferred from the animal to the victim. The animal would be guarantined at the animal control facility or at a licensed veterinary hospital in the county. Release of the animal would be contingent upon the health exam of a veterinarian indicating that the animal is clear of any clinical signs of the rabies virus. The animal would be required to receive a rabies vaccine or booster after the guarantine period and health check were complete. The owner of the animal will be responsible for all fees and fines incurred during the quarantine period. The owner of the animal has the option to relinquish all rights and release the animal to the animal control department at which time the animal becomes the property of the animal control department. (as added by Ord. #05-13, June 2005)

10-113. <u>Notice to owner and redemption</u>. (1) Upon impoundment of an animal, the department of animal control shall immediately attempt to notify the owner by telephone or certified mail. Any notice to the owner shall also include the location of the shelter or hospital where the animal is confined, hours during which the animal can be reclaimed, and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

(2) An owner reclaiming an impounded animal shall pay a fee of twenty-five (\$25.00) dollars plus a five (\$5.00) dollar boarding fee for each day the animal has been impounded in addition to any civil monetary penalty owing. The reclaim fee shall be fifty (\$50.00) dollars for animals that have not been spayed or neutered. Rabies fees and Cheatham County registration fees shall also be collected unless current status can be verified. The daily rate charged for any subsequent impoundment occurring within twelve (12) months shall be double that which was charged for each day of confinement during the first impoundment.

(3) Any animal not wearing a rabies tab and not reclaimed by its owner within seventy-two (72) hours shall become the property of Cheatham County and shall be placed for adoption in a suitable home or euthanized in a humane manner. If an animal is wearing a rabies tag, the owner shall be notified by a postcard sent to the owner's last known address to appear within five (5) days and redeem the animal by paying all required fees. (as added by Ord. #05-13, June 2005)

10-114. <u>Enforcement</u>. Animal control officers or other designees of the mayor shall be the primary enforcement officials for these regulations. These officials, along with law enforcement officers, shall have the authority to act on behalf of the municipality in investigating complaints, enforcing the animal vaccination statutes of the State of Tennessee, impounding and destroying animals, issuing citations; and taking other lawful actions as required to enforce the provisions of these regulations. It shall be a violation of these regulations to interfere with any animal control officer or other enforcement official in the performance of his duties. (as added by Ord. #05-13, June 2005)

10-115. <u>Violations and penalties</u>. (1) It shall be a violation of these regulations to:

(a) Fail to comply with any provision of these regulations;

(b) Fail to comply with any lawful order of an animal control officer, or law enforcement officer unless such order is lawfully stayed or reversed; or

(2) A violation of these regulations shall result in a civil monetary penalty of fifty (\$50.00) dollars per violation for the first offense and fifty (\$50.00) dollars for the second offense with third and subsequent violations to be handled by misdemeanor citation when appropriate under state law.

(3) Each day that one or more violations of these regulations exists or continues to exist shall constitute a separate violation.

(4) If civil monetary penalties remain unpaid more than ten (10) days after notice of violation, the enforcing agent is authorized to take appropriate action through the Town of Pleasant View Municipal Court or any other court with valid jurisdiction. (as added by Ord. #05-13, June 2005)

10-116. <u>Conflicting regulations</u>. All other regulations of the Town of Pleasant View, Tennessee, that are in conflict with these regulations are hereby repealed to the extent of such conflict. Notwithstanding anything in these regulations to the contrary, nothing contained herein shall be construed to prohibit animal control officers or law enforcement officers of the Town of Pleasant View, Tennessee, to take action consistent with these regulations or any similar ordinance or state law within the boundary of Cheatham County, Tennessee, if requested to do so by an appropriate representative of said county. Nor shall anything contained herein be construed as a limitation on the authority of any law enforcement officer to enforce the criminal laws of Tennessee regarding the care, treatment and responsibility for animals. (as added by Ord. #05-13, June 2005)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.

2. OFFENSES AGAINST THE PEACE AND QUIET.

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. <u>Misdemeanors of the state adopted</u>. All offenses against the State of Tennessee enumerated in <u>Tennessee Code Annotated</u>, §§ 16-18-301, 16-18-302 and 16-18-303 are hereby adopted, by reference, as offenses against the Town of Pleasant View. Any violation of the above referenced status within the corporate limits of the Town of Pleasant View is also a violation of this section.

Not withstanding any provision of any other ordinance to the contrary, the maximum fine for violation of this ordinance shall be fifty dollars (\$50.00) per offense. (Ord. #05-02, Feb. 2005)

¹Municipal code references

Animal control: title 10.

Housing and utility codes: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

OFFENSES AGAINST THE PEACE AND QUIET¹

SECTION

- 11-201. Disturbing the peace.
- 11-202. Loud, unusual or unnecessary noises prohibited; other prohibited noises.
- 11-203. Exceptions.
- 11-204. Penalty.

11-201. <u>**Disturbing the peace**</u>. 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. (Ord. #05-04, April 2005)

11-202. Loud, unusual or unnecessary noises prohibited; other prohibited noises. (1) Consistent with other provisions of this chapter it shall be unlawful for any person within the limits of the town to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(2) <u>General provisions; tests for unlawful noise</u>. The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:

- (a) The volume of noise.
- (b) The intensity of the noise.
- (c) Whether the nature of the noise is usual or unusual.
- (d) Whether the origin of the noise is natural or unnatural.
- (e) The volume and intensity of the background noise, if any.

(f) The proximity of the noise to residences or any sleeping facilities.

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See <u>Tennessee Code Annotated</u> § 33-8-203 (<u>Arrest for Public</u> <u>Intoxication</u>, cities may not pass separate legislation).

(g) The nature and zoning of the area within which the noise emanates.

(h) The density of inhabitation of the area within which the noise emanates.

(i) The time of the day or night the noise occurs.

(j) The duration of the noise.

(k) Whether the noise is recurrent, intermittent or constant.

(l) Whether the noise is produced by a commercial or non-commercial activity.

(m) Whether voluntary compliance is obtained.

(3) <u>Miscellaneous prohibited noises enumerated</u>. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, ATV, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, stereos, TVs, etc. The playing of any radio, stereo, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 10:00 P.M. and 7:00 A.M. as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, roads, and highways, particularly between the of 10:00 P.M. and 7:00 A.M., or at any time or place as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, excluding livestock which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, ATV, truck, or vehicle is so out of repair, so loaded, or in such manner as to cause loud, unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of any of the streets, roads and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M., except in the case of necessity, and in the interest of public health and safety, and then only with a permit from the building commissioner granted for a period not to exceed thirty (30) days.

(i) Noises near schools, hospitals, churches, etc. The creation of any excess noise on any street/road adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes. (Ord. #05-04, April 2005, as amended by Ord. #08-07, Sept. 2008, and Ord. #18-35, Nov. 2018, and replaced by Ord. #22-11, Oct. 2022 $Ch4_02-13-23$)

11-203. <u>Exceptions</u>. None of the terms or prohibitions hereof shall apply to or be enforced against:

(1) <u>City vehicles</u>. Any vehicle of the city while engaged upon necessary public business.

(2) <u>Repair of roads, streets, and highways</u>. Excavations or repairs of bridges, roads, streets, or highways at night, by or on behalf of the county, a town, or the state, when the public welfare and convenience renders it not practical to perform such work during the day.

(3) <u>Noncommercial use of loudspeakers or amplifiers</u>. The reasonable use of amplifiers or loudspeakers in the course of public addresses, or other events, which are noncommercial in character.

(4) <u>Agricultural activity</u>. Agricultural activity. (as added by Ord. #22-11, Oct. 2022 *Ch4_02-13-23*)

11-204. <u>**Penalty**</u>. The violation of any provision of this section shall be punishable by a penalty of not more than fifty dollars (\$50.00) for each separate violation. (as added by Ord. #22-11, Oct. 2022 *Ch4_02-13-23*)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

- 1. BUILDING CODE.
- 2. PLUMBING CODE.
- 3. FUEL GAS CODE.
- 4. REPEALED.
- 5. REPEALED.
- 6. SWIMMING POOL CODE.
- 7. REPEALED.
- 8. MECHANICAL CODE.
- 9. EXISTING BUILDINGS CODE.
- 10. RESIDENTIAL CODE.
- 11. ENERGY CONSERVATION CODE.
- 12. PROPERTY MAINTENANCE CODE.
- 13. ICC PERFORMANCE CODE.

CHAPTER 1

<u>BUILDING CODE</u>¹

SECTION

- 12-101. 2018 International Building Code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.

12-101. <u>**2018 International Building Code adopted**</u>. Pursuant to authority granted by the <u>Tennessee Code Annotated</u>, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the <u>International Building</u>

Automatic sprinkler systems: title 7, chapter 2.

Fire protection, fireworks, and explosives: title 7.

¹Municipal code references

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

<u>Code</u>,¹ 2018 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, including appendix chapters, A section A101.4, B, C, D, E, F, G, H, I and J. (see <u>International Building Code</u> section 101.2.1, 2018 edition), as published by the International Code Council, be and is hereby adopted as the building code of the Town of Pleasant View, Tennessee. (Ord. #04-09, Oct. 2004, as amended by Ord. #10-07, July 2010, and replaced by Ord. #18-16, Aug. 2018)

12-102. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever in the <u>International</u> <u>Building Code</u> reference is made to the duties of a certain official named therein, that designated official of the Town of Pleasant View who has duties corresponding to those of the named official in said code shall be deemed the responsible official insofar as enforcing the provisions of the <u>International</u> <u>Building Code</u> are concerned.

- (2) Section 101.1 insert, "Town of Pleasant View, Tennessee"
- (3) Section 1612.3 insert, "Town of Pleasant View, Tennessee"
- (4) Section 1612.3 insert, "Date of adoption of this ordinance"

(5) If Title 7 chapter 2 Automatic Fire Sprinkler Systems of the Town of Pleasant View Municipal Code shall conflict with the 2018 <u>International Building Code</u> then the more restrictive section shall apply. (Ord. #04-09, Oct. 2004, as amended by Ord. #10-07, July 2010, and replaced by Ord. #18-16, Aug. 2018)

12-103. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502, one (1) copy of the <u>International Building Code</u> has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-16, Aug. 2018)

12-104. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the <u>International Building Code</u> as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-16, Aug. 2018)

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

PLUMBING CODE¹

SECTION

- 12-201. 2018 International Plumbing Code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.

12-204. Violations.

12-201. 2018 International Plumbing Code adopted. Pursuant to authority granted by the <u>Tennessee Code Annotated</u>, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the <u>International Plumbing Code</u>,² 2018 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, including appendix chapters, B, C, D, E, as published by the International Code Council with modifications as per § 12-202, be and is hereby adopted as the plumbing code of the Town of Pleasant View, Tennessee. (Ord. #04-12, Oct. 2004, as amended by Ord. #10-11, July 2010, and replaced by Ord. #18-20, Aug. 2018)

12-202. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever in the <u>International</u> <u>Plumbing Code</u> reference is made to the duties of a certain official named therein, that designated official of the Town of Pleasant View who has duties corresponding to those of the named official in said code shall be deemed the responsible official insofar as enforcing the provisions of the <u>International</u> <u>Plumbing Code</u> are concerned.

(2) Section 101.1 insert, "Town of Pleasant View, Tennessee."

(3) Section 106.6.2 insert, "as per adopted Building Commission fee schedule for the Town of Pleasant View adopted as separate ordinance."

(4) Section 106.6.3 insert each location, "at the discretion of the Plumbing Code Official, no refunds after 30 days of application or after plan review has been completed. "

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

¹Municipal code references

Street excavations: title 16.

(5) Section 108.4 insert in this order, "Misdemeanor," "\$50," "as per State of Tennessee law allowances."

- (6) Section108.5 insert both locations, "\$50."
- (7) Section 305.4.1 insert both locations, "18 inches"

(8) Section 903.1 insert, "12 inches." (Ord. #04-12, Oct. 2004, as amended by Ord. #10-11, July 2010, and replaced by Ord. #18-20, Aug. 2018)

12-203. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the <u>International Building Code</u> has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-20, Aug. 2018)

12-204. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the <u>International Building Code</u> as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-20, Aug. 2018)

FUEL GAS CODE

SECTION

- 12-301. 2018 International Fuel Gas Code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.

12-304. Violations.

12-301. 2018 International Fuel Gas Code adopted. Pursuant to authority granted by the <u>Tennessee Code Annotated</u>, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the <u>International Fuel Gas Code</u>,¹ 2018 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, including appendix chapter A published by the International Code Council with modifications as per § 12-302, be and is hereby adopted as the fuel gas code of the Town of Pleasant View, Tennessee. (Ord. #04-14, Oct. 2004, as replaced by Ord. #18-24, Aug. 2018)

12-302. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever in the <u>International</u> <u>Fuel Gas Code</u> reference is made to the duties of a certain official named therein, that designated official of the Town of Pleasant View who has duties corresponding to those of the named official in said code shall be deemed the responsible official insofar as enforcing the provisions of the <u>International Fuel</u> <u>Gas Code</u> are concerned.

(2) Section 101.1 insert, "Town of Pleasant View, Tennessee."

(3) Section 106.6.2 insert, "as per adopted Building Commission fee schedule for the Town of Pleasant View adopted as separate ordinance."

(4) Section 106.6.3 insert each location, "at the discretion of the Fuel Gas Code Official, no refunds after 30 days of application or after plan review has been completed. "

(5) Section 108.4 insert in this order, "Misdemeanor," "\$50," "as per State of Tennessee law allowances."

(6) Section 108.5 insert both locations, "\$50." (Ord. #04-14, Oct. 2004, as replaced by Ord. #18-24, Aug. 2018)

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

12-303. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the <u>International Fuel</u> <u>Gas Code</u> has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-24, Aug. 2018)

12-304. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the <u>International Fuel Gas Code</u> as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord.#01-10, Jan. 2002, as replaced by Ord. #18-24, Aug. 2018)

REPEALED

(this chapter was repealed by Ord. #18-25, Aug. 2018)

REPEALED

(this chapter was repealed by Ord. #18-26, Aug. 2018)

SWIMMING POOL CODE

SECTION

- 12-601. Swimming pool code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations.

12-601. <u>Swimming pool code adopted</u>. The <u>Standard Swimming Pool</u> <u>Code</u>,¹ 1999 edition, is hereby adopted by reference as though it was copied herein fully. In case of conflict between any provision of this chapter and any code provision adopted herein by reference, the more restrictive provision shall apply. (Ord. #01-10, Jan. 2002)

12-602. <u>Modifications</u>. Whenever said swimming pool code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the swimming pool code, mean such person as the mayor shall have appointed or designated to administer and enforce the provisions of the swimming pool code. (Ord. #01-10, Jan. 2002)

12-603. <u>Available in recorder's office</u>. Pursuant to the requirements of the <u>Tennessee Code Annotated</u>, § 6-54-502, one (1) copy of the swimming pool code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (Ord. #01-10, Jan. 2002)

12-604. <u>Violations</u>. 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. Violation of any section of this chapter shall be punishable by civil penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #01-10, Jan. 2002)

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

REPEALED

(this chapter was repealed by Ord. #18-27, Aug. 2018)

MECHANICAL CODE¹

SECTION

- 12-801. 2018 International Mechanical code adopted.
- 12-802. Modifications.
- 12-803. Available in recorder's office.

12-804. Violations.

12-801. 2018 International Mechanical Code adopted. Pursuant to authority granted by the <u>Tennessee Code Annotated</u>, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the <u>International Mechanical Code</u>,² 2018 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, including appendix chapter A published by the International Code Council with modifications as per § 12-202, be and is hereby adopted as the mechanical code of the Town of Pleasant View, Tennessee. (Ord. #04-15, Oct. 2004)

12-802. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever in the <u>International</u> <u>Mechanical Code</u> reference is made to the duties of a certain official named therein, that designated official of the Town of Pleasant View who has duties corresponding to those of the named official in said code shall be deemed the responsible official insofar as enforcing the provisions of the <u>International</u> Mechanical Code are concerned.

(2) Section 101.1 insert, "Town of Pleasant View, Tennessee."

(3) Section 106.5.2 insert, "as per adopted Building Commission fee schedule for the Town of Pleasant View adopted as separate ordinance."

(4) Section 106.5.3 insert each location, "at the discretion of the Mechanical Code Official, no refunds after 30 days of application or after plan review has been completed."

(5) Section 108.4 insert in this order, "Misdemeanor," "\$50," "as per State of Tennessee law allowances."

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

¹Municipal code references

Street excavations: title 16.

(6) Section108.5 insert both locations, "\$50." (Ord. #04-15, Oct. 2004, as replaced by Ord. #18-23, Aug. 2018)

12-803. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the <u>International</u> <u>Building Code</u> has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-23, Aug. 2018)

12-804. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the <u>International Building Code</u> as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-23, Aug. 2018)

EXISTING BUILDING CODE¹

SECTION

- 12-901. 2018 International Existing Building Code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.

12-904. Violations.

12-901. <u>2018</u> International Existing Building Code adopted.</u> Pursuant to authority granted by the <u>Tennessee Code Annotated</u>, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the <u>International Existing Building Code</u>,² 2018 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, including appendix chapters, B, as published by the International Code Council, be and is hereby adopted as the building code of the Town of Pleasant View, Tennessee. (Ord. #04-17, Oct. 2004, as amended by Ord. #10-09, July 2010, and replaced by Ord. #18-18, Aug. 2018)

12-902. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever in the <u>International</u> <u>Existing Building Code</u> reference is made to the duties of a certain official named therein, that designated official of the Town of Pleasant View who has duties corresponding to those of the named official in said code shall be deemed the responsible official insofar as enforcing the provisions of the <u>International</u> <u>Existing Building Code</u> are concerned.

(2) Section 101.1 insert, "Town of Pleasant View, Tennessee." (Ord. #04-17, Oct. 2004, as amended by Ord. #10-09, July 2010, and replaced by Ord. #18-18, Aug. 2018)

12-903. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the <u>International</u> <u>Building Code</u> has been placed on file in the city recorder's office and shall be

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

¹Municipal code reference

Structures unfit for human habitation: title 13, ch. 3.

kept there for the use and inspection of the public. (Ord. #01-10, Jan. 2002, as replaced by Ord. #18-18, Aug. 2018)

12-904. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the <u>International Building Code</u> as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense.(Ord. #01-10, Jan. 2002, as replaced by Ord. #18-18, Aug. 2018)

RESIDENTIAL CODE

SECTION

- 12-1001. 2018 International Residential Code adopted.
- 12-1002. Modifications.
- 12-1003. Available in recorder's office.

12-1004. Violations.

12-1001. 2018 International Residential Code adopted. Pursuant to authority granted by the <u>Tennessee Code Annotated</u>, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the <u>International Building Code</u>,¹ 2018 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, including appendix chapters, A, B, C, D, E, F, G, H, J K, N, O, P as published by the International Code Council, be and is hereby adopted as the building code of the Town of Pleasant View, Tennessee. (Ord. #04-10, Oct. 2004, as amended by Ord. #10-08, July 2010, and replaced by Ord. #18-17, Aug. 2018)

12-1002. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever in the <u>International</u> <u>Building Code</u> reference is made to the duties of a certain official named therein, that designated official of the Town of Pleasant View who has duties corresponding to those of the named official in said code shall be deemed the responsible official insofar as enforcing the provisions of the <u>International</u> <u>Building Code</u> are concerned.

(2) Section 101.1 insert, "Town of Pleasant View, Tennessee"

(3) Chapter 2 Definition added: Storage crawl space an underfloor space that has an access opening 36 inches or larger in height.

(4) Section 301.2(1) insert "Design Table on Town of Pleasant view website and available in Building Commissioners Office"

(5) Section P2603.5.1 insert, "18 inches in both spaces"

(6) Section 315.3 amended by deleting the words "in the immediate vicinity" and substituting the wording "within 10 feet."

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

(7) R318.4 deleted in its entirety replaced with wording," Foam plastic insulation shall not be required for slab on grade construction due to the risk of termite infestation."

(8) All new residential construction requires an approved onsite toilet facility available for employees use, within 200 feet of each residential structure. Toilet facility to be supplied by the permit holder. All toilet facilities shall be cleaned regularly and kept in a sanitary state.

(9) An onsite durable graveled construction entrance shall be required before foundation work commences, entrance shall be no less than 10 feet by 25 feet and should be of adequate size to prevent tracking of mud onto streets. The Building Commissioner may approve other means of parking and material delivery for the site.

(10) Chapter 11 shall be deleted.

(11) All new one- and two-family dwelling shall be protected by NFPA 13D fire sprinklers system. Additions to one-family dwellings built before November 2002 shall not require fire sprinklers.

(12) All townhouses shall be protected by NFPA 13D fire sprinkler systems.

(13) Chapter 34 thru chapter 41 shall be deleted. All structure electrical installations shall meet State of Tennessee adopted requirements.

(14) Onsite sewage disposal shall be to the State of Tennessee adopted requirements for private sewage disposal. (Ord. #04-10, Oct. 2004, as amended by Ord. #10-08, July 2010, and Ord. #16-10, Aug. 2016 *Ch4_02-13-23*, and replaced by Ord. #18-17, Aug. 2018)

12-1003. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the <u>International Building Code</u> has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #18-17, Aug. 2018)

12-1004. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the <u>International Building Code</u> as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #18-17, Aug. 2018)

ENERGY CONSERVATION CODE

SECTION

12-1101. Energy conservation code adopted. 12-1102. Modifications.

12-1101. Energy conservation code adopted. A certain document, a copy of which is on file in the office of the City Recorder of the Town of Pleasant View, Tennessee being marked and designated as the International Energy Conservation Code,¹ 2009, be and is hereby adopted as the Energy Conservation Code, of the Town of Pleasant View, in the State of Tennessee for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said energy conservation code on file in the office of the Town of Pleasant View, Tennessee are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-1102 of this chapter. (Ord. #04-13, Oct. 2004, as amended by Ord. #10-12, July 2010)

12-1102. <u>Modifications</u>. The following sections are hereby revised:

101.2 Scope. This code applies to all residential structures including oneand two-family dwelling and commercial buildings." (Ord. #04-13, Oct. 2004, as amended by Ord. #10-12, July 2010, and Ord. #18-21, Aug. 2018)

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

PROPERTY MAINTENANCE CODE

SECTION

- 12-1201. 2012 International Property Maintenance Code adopted.
- 12-1202. Modifications.
- 12-1203. Available in recorder's office.
- 12-1204. Violations.

12-1201. <u>**2012 International Property Maintenance Code adopted.</u>** Pursuant to authority granted by the <u>Tennessee Code Annotated</u>, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the <u>International Property Maintenance Code</u>,¹ 2012 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of this code, including appendix chapters, B, C, D, E, as published by the International Code Council with modifications as per § 12-202, be and is hereby adopted as the plumbing code of the Town of Pleasant View, Tennessee. (Ord. #04-16, Oct. 2004, as replaced by Ord. #18-22, Aug. 2018)</u>

12-1202. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever in the <u>International</u> <u>Property Maintenance Code</u> reference is made to the duties of a certain official named therein, that designated official of the Town of Pleasant View who has duties corresponding to those of the named official in said code shall be deemed the responsible official insofar as enforcing the provisions of the <u>International</u> <u>Property Maintenance Code</u> are concerned.

(2) Section 101.1 insert, "Town of Pleasant View, Tennessee."

(3) Section 103.5 insert, "As per ordinance adopting fees for building commission"

- (4) Section 112.4 insert, "\$50" "\$50"
- (5) Section 302.4 insert, "12 inches"
- (6) Section 304.14 insert "April 15th to October 31"
- (7) Section 602.3 insert "October 1 thru May 1"

(8) Section 602.4 insert "October 1 thru May 1." (Ord. #04-16, Oct. 2004, as replaced by Ord. #18-22, Aug. 2018)

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

12-1203. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the <u>International</u> <u>Building Code</u> has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #18-22, Aug. 2018)

12-1204. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the <u>International Building Code</u> as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #18-22, Aug. 2018)

ICC PERFORMANCE CODE

SECTION

12-1301. ICC performance code adopted. 12-1302. Modifications.

12-1301. <u>ICC performance code adopted</u>. A certain document, a copy of which is on file in the office of the City Recorder of the Town of Pleasant View, Tennessee, being marked and designated as the <u>ICC Performance Code for Building and Facilities</u>, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Performance Code of the Town of Pleasant View, Tennessee, for regulating and governing the performance-based design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of building and/or fire protection systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said performance code on file in the office of the City Recorder of the Town of Pleasant View, Tennessee are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-1302 of this chapter. (Ord. #04-18, Oct. 2004)</u>

12-1302. <u>Modifications</u>. The issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, conditions and terms of the International Codes, 2003 edition published by the International Code Council, adopted by the Town of Pleasant View, Tennessee, Ord. #04-09 through 04-17 also on file in the office of the City Recorder of the Town of Pleasant View, Tennessee, shall provide enforcement, permits, plan review, inspection, fees and certificate of occupancy requirements where not specified in the ICC Performance Code for Buildings and Facilities. The Town of Pleasant View, Tennessee also establishes the following performance groups for new and/or existing use groups or specific buildings or facilities for the application of this code:

Performance Group	Use and Occupancy Classification or Specified Buildings or Facilities
Ι	
II	
III	
IV	

(Ord. #04-18, Oct. 2004)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

- 1. MISCELLANEOUS.
- 2. LITTERING REGULATIONS.
- 3. STRUCTURES UNFIT FOR HUMAN HABITATION.
- 4. ABANDONED, WRECKED, AND INOPERATIVE MOTOR VEHICLES.
- 5. EXTERIOR PROPERTY AREAS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violation and penalty.

13-101. <u>Smoke, soot, cinders, etc</u>. 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. (Ord. #97-4, April 1997)

13-102. <u>Stagnant water</u>. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property not treating it so as to effectively prevent the breeding of mosquitoes. (Ord. #97-4, April 1997)

13-103. <u>Weeds</u>. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or city codes inspector to cut such vegetation when it has reached a height of over one (1) foot. (Ord. #97-4, April 1997)

¹Municipal code references

Littering streets, etc.: § 16-107.

13-104. <u>Overgrown and dirty lots</u>. It shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, garbage or any combination of the preceding elements so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats or other harmful animals. (Ord. #97-4, April 1997)

13-105. <u>**Dead animals**</u>. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury or dispose of such animal. (Ord. #97-4, April 1997)

13-106. <u>Health and sanitation nuisances</u>. 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. (Ord. #97-4, April 1997)

13-107. <u>Violation and penalty</u>. Any violation of this chapter shall be a civil offense punishable to a penalty of up to five hundred dollars (\$500.00) for each separate offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #97-4, April 1997)

LITTERING REGULATIONS

SECTION

13-201. Definitions.

13-202. Littering.

13-203. Hauling litter.

13-204. Violation and penalty.

13-201. <u>Definitions</u>. 1. "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;

2. "Litter" includes garbage, refuse, rubbish and all other waste material;

3. "Refuse" includes all putrescible and non putrescible solid waste; and

4. "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste. (Ord. #98-5, June 1998)

13-202. Littering. A person commits littering who:

1. Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;

2. Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or

3. Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within the town;

4. If litter is discovered on any public property other than public property designated for the disposal of litter, or if litter is discovered upon the private property of a person who has not given permission for the disposal of litter, and the litter bears the name of a natural person, there is an inference that the natural person has committed the offense of criminal littering.

5. Nothing in this chapter shall be construed to prevent prosecution or conviction under other applicable laws. (Ord. #98-5, June 1998)

13-203. <u>**Hauling litter</u>**. 1. Any motor vehicle, which transports litter, as defined in this chapter, or any material likely to fall or be blown off onto the highways, shall be required to have such material either in an enclosed space or fully covered by a tarpaulin.</u>

2. If such motor vehicle is a non-commercial, not-for-hire pickup truck, the provisions of this section shall be construed to be complied with if the material on such non-commercial, not-for-hire pickup truck is secured in such a way to reasonably ensure it will not fall or be blown off the vehicle.

3. All other pickup trucks and other motor vehicles are required to comply with the provisions of subsection (1).

4. Any motor vehicle having a gross weight of less than sixteen thousand pounds (16,000 lbs.) Which is transporting litter, as defined in this chapter, to an energy recovery facility, as defined in <u>Tennessee Code Annotated</u>, § 68-211-501(2), shall be required to have such material in an enclosed space, unless it is a motor vehicle with a factory installed hydraulic lift system that lifts the entire bed of the truck.

5. The provisions of this section do not apply to motor vehicles transporting recovered materials to a convenience center or scrap dealer for recycling. (Ord. #98-5, June 1998)

13-204. <u>Violation and penalty</u>. Any violation of this chapter shall be a civil offense punishable by a fine of up to fifty dollars (\$50.00) for each separate offense. Each day that the violation is allowed to continue shall constitute a separate offense. (Ord. #98-5, June 1998, modified)

STRUCTURES UNFIT FOR HUMAN HABITATION¹

SECTION

13-301. Findings of board.

13-302. Definitions.

13-303. "Public officer" designated powers.

13-304. Initiation of proceedings; hearings.

13-305. Orders to owners of unfit structures.

13-306. When public officer may repair, etc.

- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvage materials, other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of order.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.

13-301. <u>Findings of board</u>. Pursuant to <u>Tennessee Code Annotated</u>, § 13-21-01, <u>et seq</u>., the board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (Ord. #00-01, Jan. 2000)

13-302. <u>Definitions</u>. 1. "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

2. "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

3. "Municipality" shall mean the Town of Pleasant View, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

4. "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

¹Municipal code references

Building, Existing buildings, Housing and Unsafe building abatement codes: title 12.

5. "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

6. "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

7. "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

8. "Public officer" means any officer or offices of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to <u>Tennessee Code Annotated</u>, § 13-21-101, <u>et seq</u>.

9. "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #00-01, Jan. 2000)

13-303. <u>"Public officer" designated powers</u>. There is hereby designated and appointed a "public officer," to be the building commissioner of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building commissioner. (Ord. #00-01, Jan. 2000)

13-304. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in a court of law or equity shall not be controlling in hearings before the public officer. (Ord. #00-01, Jan. 2000)

13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation

or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

1. If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use to vacate and close the structure for human occupation or use; or

2. If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structures. (Ord. #00-01, Jan. 2000)

13-306. <u>When public officer may repair, etc</u>. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #00-01, Jan. 2000)</u>

13-307. <u>When public officer may remove or demolish</u>. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #00-01, Jan. 2000)

13-308. Lien for expenses; sale of salvage materials, other powers The amount of the cost of such repairs, alterations or not limited. improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Cheatham County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly perfected by filling, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said cost have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall set the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Cheatham County by the public officer, shall be secured in such a manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Pleasant View to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #00-01, Jan. 2000)

13-309. <u>Basis for a finding of unfitness</u>. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Pleasant View. Such conditions may include the following (without limiting the generality of the foregoing); defects therein increasing the hazards of fire, accident, or other dilapidation; disrepair; structural defects; or uncleanliness. (Ord. #00-01, Jan. 2000)

13-310. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Cheatham County, Tennessee, and such filing shall have the same in force and effect as other lis pendens notices provided by law. (Ord. #00-01, Jan. 2000)

13-311. <u>Enjoining enforcement of order</u>. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final

disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such a bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (Ord. #00-01, Jan. 2000)

13-312. <u>Additional powers of public officer</u>. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

1. To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;

2. To administer oaths, affirmations, examine witnesses and receive evidence;

3. To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

4. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

5. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #00-01, Jan. 2000)

13-313. <u>Powers conferred are supplemental</u>. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by this chapter and other laws. (Ord. #00-01, Jan. 2000)

13-314. <u>Structures unfit for human habitation deemed unlawful</u>. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residences of the town.

Violations of this section shall subject the offender to a civil penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #00-01, Jan. 2000, modified)

ABANDONED, WRECKED AND INOPERATIVE VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited, and declared nuisance, exceptions.
- 13-403. Notice to remove.
- 13-404. Responsibility for removal.
- 13-405. Notice procedure.
- 13-406. Content of notice.
- 13-407. Request for hearing.
- 13-408. Procedure for hearing.
- 13-409. Removal of motor vehicle from property.
- 13-410. Notice of removal.
- 13-411. Disposition of vehicles.
- 13-412. Redemption of impounded vehicle.
- 13-413. Penalty.

13-401. <u>Definitions</u>. For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Town" is the Town of Pleasant view.

2. "Building commissioner" is the Building Commissioner of the Town of Pleasant View or such other person or persons designated by the board of mayor and aldermen to enforce the provisions of this chapter.

3. "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, riding lawn mowers, go-carts, golf carts, campers and trailers.

4. "Junked motor vehicle" is any vehicle, as defined by § 13-401(3), which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

5. "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

6. "Private property" shall mean any real property within the town which is privately owned and which is not public property as defined in this subsection.

7. "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility. (Ord. #97-16, Oct. 1997)

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited, and declared nuisance, exceptions. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the town for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the town and properly operated in the appropriate business zone, pursuant to the zoning laws of the town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes operable and licensed or in the process of being restored. (Ord. #97-16, Oct. 1997)

13-403. <u>Notice to remove</u>. Whenever it comes to the attention of the building commissioner that any nuisance as defined in § 13-402 of this chapter exists in the Town of Pleasant View, Tennessee, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (Ord. #97-16, Oct. 1997)

13-404. <u>Responsibility for removal</u>. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the town, the owner or occupant of the private property where same is located, shall be liable for the expenses incurred. (Ord. #97-16, Oct. 1997)

13-405. <u>Notice procedure</u>. The building commissioner shall give notice of removal to the owner or occupant of the private property where it is located, at least thirty (30) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by

certified mail to the owner or occupant of the private property at his last known address. (Ord. #97-16, Oct. 1997)

13-406. <u>Content of notice</u>. The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the town or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (Ord. #97-16, Oct. 1997)

13-407. <u>**Request for hearing**</u>. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the municipal judge of the Town of Pleasant View, or its designee within the thirty (30) day period of compliance prescribed in § 13-405 for the purpose of defending the charges by the town. (Ord. #97-16, Oct. 1997)

13-408. <u>Procedure for hearing</u>. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing, the town and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (Ord. #97-16, Oct. 1997)

13-409. <u>Removal of motor vehicle from property</u>. If the violation described in the notice has not been remedied within the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the judge of the Town of Pleasant View or its designee, the building commissioner or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (Ord. #97-16, Oct. 1997)</u>

13-410. <u>Notice of removal</u>. Within forty-eight (48) hours of the removal of such vehicle, the building commissioner shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles, is stored, and the costs incurred by the town for removal. (Ord. #97-16, Oct. 1997)

13-411. <u>**Disposition of vehicles**</u>. Upon removing a vehicle, the building commissioner shall sell the abandoned motor vehicle at a public auction on or after ten (10) days after its removal. The purchaser of the motor vehicle shall

take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the building commissioner and upon presentation of such sales receipt shall be entitled to receive a certificate of title from the Department of Revenue for the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle, and all notice and publication costs, together with any other costs associated with the process. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or any entitled lien holder for a period of sixty (60) days and if not claimed, then shall be deposited in the general fund of the town. Should the sale of any vehicle for any reason be invalid, the town's liability shall be limited to the return of the purchase price. (Ord. #97-16, Oct. 1997)

13-412. <u>Redemption of impounded vehicles</u>. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or deconstruction thereof upon proof of ownership and payment to the Town of Pleasant View in connection with the enforcement of this chapter as determined by the building commissioner or his designee. (Ord. #97-16, Oct. 1997)

13-413. <u>**Penalty</u>**. Any person violating any of the provisions of this chapter shall be guilty of a civil offense, and upon conviction shall be subject to a civil penalty not to exceed fifty dollars (\$50.00) per offense. (Ord. #97-16, Oct. 1997, modified)</u>

EXTERIOR PROPERTY AREAS

SECTION

- 13-501. Sidewalks and driveways.
- 13-502. Cluster mail box units.
- 13-503. Violation and penalty.

13-501. <u>Sidewalks and driveways</u>. All sidewalks, walkways, stairs, driveways, and similar areas shall be kept in a proper state of repair, shall be maintained free from hazardous conditions, and shall be kept in a safe, clean, and sanitary condition by the tenant(s) of said properties. Tenant shall apply to either/or the owner of the property or the lessee. (as added by Ord. #21-06, April 2021 *Ch4_02-13-23*)

13-502. <u>Cluster mail box units</u>. All cluster box units shall be kept in a proper state of repair, shall be maintained free from hazardous conditions, and shall be kept in a safe, clean, and sanitary condition by the home owners association and/or tenant(s) of such properties in which cluster mail box units are located. This includes but is not limited to the sidewalk and open space where the cluster mail box is located. (as added by Ord. #21-06, April 2021 $Ch4_02-13-23$)

13-503. <u>Violation and penalty</u>. Any violation of this chapter shall be a civil offense punishable to a penalty of up to fifty dollars (\$50.00) or the current rate as set by Tennessee law for each separate offense. Each day a violation is allowed to continue shall constitute a separate offense. This chapter shall be effective immediately upon its final passage and publication of its caption in a newspaper of general circulation within the Town of Pleasant View, Tennessee, the public welfare requiring it. (as added by Ord. #21-06, April 2021 $Ch4_02-13-23$)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

- 1. MUNICIPAL PLANNING COMMISSION.
- 2. ZONING ORDINANCE.

3. MUNICIPAL FLOODPLAIN ZONING ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Establishment.
- 14-102. Number of members.
- 14-103. Terms of members.
- 14-104. Compensation.
- 14-105. Powers.
- 14-106. Fees.

14-101. <u>Establishment</u>. There is hereby created and established a municipal planning commission, pursuant to <u>Tennessee Code Annotated</u>, § 13-4-101. (Ord. #97-10, Sept. 1997)

14-102. <u>Number of members</u>. The planning commission shall consist of seven (7) members. One of the members shall be the mayor or a person designated by the mayor and one of the members shall be a member of the board of mayor and aldermen. The balance of the members shall be appointed by the mayor. (Ord. #97-10, Sept. 1997, as amended by Ord. #99-18, Dec. 1999)

14-103. <u>Terms of members</u>. The terms of the appointive members shall be for a period of four (4) years, with the exception of the initial appointive members, two (2) of whom will serve a one (1) year term, two (2) of whom will serve a two (2) year term, two (2)of whom will serve a three (3) year term. All terms thereafter will be four (4) years. (Ord. #97-10, Sept. 1997)

14-104. <u>Compensation</u>. Members of the planning commission shall serve without remuneration. Members may be reimbursed for expenses directly related to their duties as members of the planning commission. Reimbursement for travel related expenses shall be made in accordance with the town's travel policy. (Ord. #97-10, Sept. 1997)

14-105. <u>Powers</u>. The planning commission shall have all powers and authority granted to it pursuant to <u>Tennessee Code Annotated</u>, § 13-4-101, <u>et seq</u>. (Ord. #97-10, Sept. 1997)

14-106. <u>Fees</u>. The fees charged by the planning commission and the building commissioner shall be in accordance with Appendix "A" to this ordinance.¹ (Ord. #97-10, Sept. 1997)

 $^{^1\!}Appendix\,A$ "Building Commission Fees" is of record in the office of the city recorder.

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance. 14-202. Violations and penalty.

14-201. <u>Land use to be governed by zoning ordinance</u>. Land use within the Town of Pleasant View shall be governed by the "Zoning Ordinance of Pleasant View, Tennessee," and any amendments thereto.¹

14-202. <u>Violations and penalty</u>. Violations of the zoning ordinance shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

¹Ordinance No. 97-5, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

14-301. Statutory authorization, findings of fact, and objectives.

- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.
- 14-307. Legal status provisions.

14-301. Statutory authorization, findings of fact, and objectives.

(1) <u>Statutory authorization</u>. The Legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, <u>Tennessee Code Annotated</u> delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Pleasant View, Tennessee, Mayor and the Pleasant View Board of Aldermen, do ordain as follows:

(2) <u>Findings of fact</u>.

(a) The Town of Pleasant View, Tennessee, Mayor and its Board of Aldermen wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the Town of Pleasant View, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofcd, or otherwise unprotected from flood damages.

(3) <u>Statement of purpose</u>. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to :

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities; (b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) <u>Objectives</u>. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #20-08, Jan. 2021 $Ch4_02-13-23$, and replaced by Ord. #21-03, Feb. 2021 $Ch4_02-13-23$, and Ord. #21-04, March 2021 $Ch4_02-13-23$)

14-302. <u>Definitions</u>. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' to 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event. (12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding:" (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters.

(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(iii) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding. (30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Pleasant View, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either: (i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or

after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Regulatory flood protection elevation" means the "base flood elevation" plus the "freeboard." In "special flood hazard areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot (1'). In "special flood hazard areas" where no BFE has been established, this elevation shall be at least three feet (3') above the highest adjacent grade.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(56) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of

construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of place on factings, the installation of piles, the construction of columns, or one

slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency" the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(59) "Structure" for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(60) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(61) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this ordinance.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #20-08, Jan. 2021 *Ch4_02-13-23*, and replaced by Ord. #21-03, Feb. 2021 *Ch4_02-13-23*, and Ord. #21-04, March 2021 *Ch4_02-13-23*)

14-303. <u>General provisions</u>. (1) <u>Application</u>. This ordinance shall apply to all areas within the incorporated area of the Town of Pleasant View, Tennessee.

(2) <u>Basis for establishing the areas of special flood hazard</u>. The areas of special flood hazard identified on the Town of Pleasant View, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 26, 2021, and Flood Insurance Rate Map (FIRM), community panel numbers 47021C0075E, 47021C0100E, 47021C0160E and 47021C0180E, dated February 26, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) <u>Requirement for development permit</u>. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) <u>Compliance</u>. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) <u>Abrogation and greater restrictions</u>. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail. (6) <u>Interpretation</u>. In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) <u>Warning and disclaimer of liability</u>. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Pleasant View, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) <u>Penalties for violation</u>. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law.

Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Pleasant View, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #20-08, Jan. 2021 $Ch4_02-13-23$, and replaced by Ord. #21-03, Feb. 2021 $Ch4_02-13-23$, and Ord. #21-04, March 2021 $Ch4_02-13-23$)

14-304. <u>Administration</u>. (1) <u>Designation of ordinance administrator</u>. The Town of Pleasant View Building Commissioner is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) <u>Permit procedures</u>. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-305(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(v) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

(vi) In order to determine if improvements or damage meet the substantial improvement or substantial damage criteria, the applicant shall provide to the floodplain administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

(A) An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.

(B) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

(C) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.

(D) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor. (b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(c) Finished construction stage. For all new construction and substantial improvements, the permit holder shall provide to the administrator a final finished construction elevation certificate (FEMA Form 086-0-33). A final finished construction elevation certificate is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The administrator will keep the certificate on file in perpetuity.

(3) <u>Duties and responsibilities of the administrator</u>. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which

approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Emergency Management Agency, state NFIP office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-304(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-304(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-304(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Pleasant View, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

(l) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the

permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The finished construction elevation certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in § 14-305(1). To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches (3" x 3"). Digital photographs are acceptable. (as added by Ord. #20-08, Jan. 2021 Ch4 02-13-23, and replaced by Ord. #21-03, Feb. 2021 Ch4_02-13-23, and Ord. #21-04, March 2021 Ch4_02-13-23)

14-305. <u>Provisions for flood hazard reduction</u>. (1) <u>General</u> <u>standards</u>. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-305(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) <u>Specific standards</u>. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-305(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures." Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-305(2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-302).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-305(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-305(5)).

(3) <u>Standards for special flood hazard areas with established base flood</u> <u>elevations and with floodways designated</u>. Located within the special flood hazard areas established in § 14-303(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however,

provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

(b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) ONLY if § 14-305(3)(a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-305(1) and (2).

(4) <u>Standards for areas of special flood hazard Zones AE with</u> <u>established base flood elevations but without floodways designated</u>. Located within the special flood hazard areas established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

(b) A community may permit encroachments within within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) ONLY if § 14-305(4)(a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-305(1) and (2).

(5) <u>Standards for streams without established base flood elevations</u> <u>and floodways (A Zones)</u>. Located within the special flood hazard areas established in § 14-303(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any

federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-305(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2) Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-305(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Pleasant View, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2). Within approximate A Zones, require that those subsections of § 14-305(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) <u>Standards for areas of shallow flooding (Zone AO)</u>. Located within the special flood hazard areas established in § 14-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to § 14-305(1) and (2), all new construction and substantial improvements shall meet the following requirements:

(a) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one foot (1') above the highest adjacent grade; or at least three feet (3') above the highest adjacent grade, if no depth number is specified.

(b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in § 14-305(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with §§ 14-304(2)(a)(iii) and 14-305(2)(b).

(c) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(7) <u>Standards for areas of shallow flooding (Zone AH)</u>. Located within the special flood hazard areas established in § 14-303(2), are areas designated as shallow flooding areas. These areas are subject to inundation by one percent (1%) annual chance shallow flooding (usually areas of ponding) where average depths are one to three feet (1' to 3'). Base flood elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of § 14-305(1) and (2), all new construction and substantial improvements shall meet the following requirements: Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(8) <u>Standards for areas protected by flood protection system (A-99</u> <u>Zones</u>). Located within the areas of special flood hazard established in § 14-303(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-304 and 14-305 shall apply.

(9) <u>Standards for unmapped streams</u>. Located within the Town of Pleasant View, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-304 and 14-305. (as added by Ord. #20-08, Jan. 2021 $Ch4_02-13-23$, and replaced by Ord. #21-03, Feb. 2021 $Ch4_02-13-23$, and Ord. #21-04, March 2021 $Ch4_02-13-23$)

14-306. <u>Variance procedures</u>. (1) <u>Municipal board of zoning appeals</u>.

(a) Authority. The Town of Pleasant View, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the board of aldermen.

Appeals: how taken. An appeal to the municipal board of (c) zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred fifty dollars (\$150.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than ten (10) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance. (ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Pleasant View, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(e) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) <u>Conditions for variances</u>. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-306(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #20-08, Jan. 2021 $Ch4_02-13-23$, and replaced by Ord. #21-03, Feb. 2021 $Ch4_02-13-23$, and Ord. #21-04, March 2021 $Ch4_02-13-23$)

14-307. <u>Legal status provisions</u>. (1) <u>Conflict with other ordinances</u>. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Pleasant View, Tennessee, the most restrictive shall in all cases apply.

(2) <u>Severability</u>. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (as added by Ord. #20-08, Jan. 2021 $Ch4_02-13-23$, and replaced by Ord. #21-03, Feb. 2021 $Ch4_02-13-23$, and Ord. #21-04, March 2021 $Ch4_02-13-23$)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

- 1. PARKING.
- 2. SPEED LIMITS.
- 3. MISCELLANEOUS.
- 4. ENFORCEMENT.

PARKING

SECTION

- 15-101. Generally.
- 15-102. Angle parking.
- 15-103. Occupancy of more than one space.
- 15-104. Where prohibited.
- 15-105. Loading and unloading zones.
- 15-106. Presumption with respect to illegal parking.

15-101. <u>Generally</u>. 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 inches (18") 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 inches (18") 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. (Ord. #97-8, Aug. 1997, as replaced by Ord. #18-36, Nov. 2018)

¹Municipal code references

Abandoned, wrecked and inoperative vehicles: title 13, ch. 4. Excavations and obstructions in streets, etc.: title 16.

15-102. <u>Angle parking</u>. 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 feet (24'). (Ord. #99-16, Oct. 1999, as replaced by Ord. #18-36, Nov. 2018)

15-103. <u>Occupancy of more than one space</u>. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) 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. (as added by Ord. #18-36, Nov. 2018)

15-104. <u>Where prohibited</u>. 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 feet (15') thereof.
- (4) Within fifteen feet (15') of a fire hydrant.
- (5) Within a pedestrian crosswalk.

(6) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.

(7) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(8) Alongside any curb painted yellow or red by the municipality. (as added by Ord. #18-36, Nov. 2018)

15-105. <u>Loading and unloading zones</u>. 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. (as added by Ord. #18-36, Nov. 2018)

15-106. <u>Presumption with respect to illegal parking</u>. When any occupied or 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. (as added by Ord. #18-36, Nov. 2018)

CHAPTER 2

SPEED LIMITS

SECTION

15-201. General.

15-202. State highways.

15-203. Intersections.

15-204. School zones.

15-205. Violation and penalty.

15-201. <u>General</u>. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street, with the exception of State Highway 49 and State Highway 41-A, at a rate of speed in excess of 30 miles per hour, except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. The board of mayor and aldermen may by resolution establish such other speed limits. (Ord. #97-3, March 1997)

15-202. <u>State highways</u>. It shall be unlawful for any person to operate or drive a motor vehicle upon State Highway 49 or State Highway 41-A at a rate of speed in excess of 45 miles per hour, except where official signs have been posted indicating lower speed limits, in which cases the posted speed limit shall apply. The board of mayor and aldermen may by resolution establish such other speed limits. (Ord. #97-3, March 1997)

15-203. <u>Intersections</u>. 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 15 miles per hour, unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (Ord. #97-3, March 1997)

15-204. <u>School zones</u>. Pursuant to <u>Tennessee Code Annotated</u>, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based upon an engineering investigation; should not be less than 15 miles per hour; shall be in effect only when the proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this subsection.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, a person who shall drive at a speed exceeding 15 miles per hour when passing a school during a recess period or when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (Ord. #97-3, March 1997)

15-205. <u>Violation and penalty</u>. Any violation of this chapter shall be a civil offense and shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. (Ord. #99-15, Oct. 1999)

CHAPTER 3

MISCELLANEOUS

SECTION

15-301. Compliance with financial responsibility law required. 15-302. Traffic committee.

15-301. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under <u>Tennessee Code Annotated</u>, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under <u>Tennessee Code Annotated</u>, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:
(a) Documentation, such as the declaration 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 Financial Responsibility Law of 1977, compiled in <u>Tennessee Code Annotated</u>, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year and 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, compiled in <u>Tennessee Code Annotated</u>, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under <u>Tennessee Code Annotated</u>, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the Department of Safety or the Interstate Commerce Commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) <u>Civil offense</u>. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of the state or by the city's municipal code of ordinances.

(5) <u>Evidence of compliance after violation</u>. On or before the court date, the person charged with a violation of this section may submit evidence of

compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (Ord. #04-02, March 2004)

15-302. <u>**Traffic committee.</u>** The board of mayor and aldermen of the Town of Pleasant View, Tennessee, shall establish a traffic committee according to the following:</u>

(1) The traffic committee shall meet on an as needed basis.

(2) Decisions of the traffic committee shall be implemented, unless the cost of the project one thousand dollars (\$1,000.00) or more requires approval of the board of mayor and aldermen. (as added by Ord. #17-10, July 2017)

CHAPTER 4

ENFORCEMENT

SECTION

- 15-401. Issuance of traffic citations.
- 15-402. Failure to obey citation.
- 15-403. Illegal parking.
- 15-404. Impoundment of vehicle.
- 15-405. Violation and penalty.
- 15-406. Adoption of state traffic statutes.
- 15-407. No left turn allowed in certain areas.
- 15-408. Right turn only in certain areas.

15-401. <u>Issuance of traffic citations</u>.¹ 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 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. (as added by Ord. #18-36, Nov. 2018)</u>

15-402. Failure to obey citation. It shall be unlawful for any person to violate his/her 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. 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 feet (24'). (as added by Ord. #18-36, Nov. 2018)

15-403. <u>**Illegal parking.**</u> Whenever any motor vehicle with or 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

¹State law reference

Tennessee Code Annotated, §7-63-101, et. seq.

owner to answer for the violation within ten (10) days during the hours and at a place specified on the citation. (as added by Ord. #18-36, Nov. 2018)

15-404. <u>Impoundment of vehicles</u>. 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. Any and all fees associated with impounding a vehicle shall be paid directly to the company that impounds the vehicle. (as added by Ord. #18-36, Nov. 2018)

15-405. <u>Violation and penalty</u>. Any violation of this title shall be a civil offense punishable as follows:

(1) <u>Traffic citations</u>. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00), plus applicable court costs for each separate offense.

(2) <u>Parking citations</u>. Any person receiving such a citation may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of twenty dollars (\$20.00) provided he waives his right to a judicial hearing. If he/she appears and waives his/her right to a judicial hearing after ten (10) days, his/her fine shall be up to fifty dollars (\$50.00) (as added by Ord. #18-36, Nov. 2018)

15-406. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, the Town of Pleasant View hereby adopts by reference as if fully set in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-3-101 through 55-3-102, § 55-3-127, § 55-4-101, § 55-4-104, § 55-4-108, § 55-4-110, § 55-4-113, § 55-4-115, § 55-4-120, § 55-4-131, § 55-4-136, § 55-7-109, § 55-7-113, §§ 55-7-201 through 55-7-203, §§ 55-8-101 through 55-8-131, §§ 55-8-133 through 55-8-180. Additionally, the Town of Pleasant View adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-8-199 through 55-8-207, §§ 55-9-101 through 55-9-107, §§ 55-9-201 through 55-9-207, § 55-9-212, § 55-9-216, §§ 55-9-302 through 55-9-308, §§ 55-9-401 through 55-9-408, §§ 55-9-414 through 55-9-415, §§ 55-9-601 through 55-9-606, § 55-10-301, § 55-10-416, § 55-12-139, § 55-50-333, § 55-50-351 and § 55-50-601, by reference as if fully set forth in this section. (as added by Ord. #18-36, Nov. 2018, and replaced Ord. #22-02, April 2022 Ch4_02-13-23)

15-407. <u>No left turn allowed in certain areas</u>. No left turns shall be allowed at the intersection of Highway 49 and Main Street on both sides of the

road, between the hours of 7:00 A.M. to 8:00 A.M. in the morning and between the hours of 2:30 P.M. and 3:30 P.M. in the afternoon. (as added by Ord. #18-36, Nov. 2018)

14-408. <u>Right turn only in certain areas</u>. Right turn only from Pleasant View Main Street onto Hwy. 49 between the weekday hours of 7:00 A.M. to 8:00 A.M. and 2:30 P.M. to 3:30 P.M. where signs are erected indicating right turn only, and any other areas inside the town where direction of travel for vehicles is controlled by signage. (as added by Ord. #22-10, Oct. 2022 $Ch4_02-13-23$)

TITLE 16

STREETS AND SIDEWALKS, ETC

CHAPTER

1. MISCELLANEOUS.

2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

16-101. Driveway permits.16-102. Heavy or large vehicles on city streets.

16-101. <u>Driveway permits</u>. (1) No new driveway connection shall be made to any town street without the owner of the property or the contractor installing such driveway, first obtaining a permit therefore from the city building commissioner.

(2) The fee for said permit shall be twenty-five dollars (\$25.00).

(3) Violation of this section is punishable by a fine not to exceed fifty dollars (\$50.00). (Ord. #97-11, Sept. 1997, modified)

16-102. <u>Heavy or large vehicles on city streets</u>. (1) <u>Definition of vehicle</u>. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(2) <u>Heavy truck traffic prohibited on certain streets</u>. (a) For the purpose of this section, a heavy truck is defined to be any vehicle whose gross vehicle weight exceeds 10,000 pounds.

(b) All heavy trucks shall be prohibited from all town streets except: Church Street and Pleasant View Road.

(c) The following categories are exempt from the prohibition of this section:

(i) The operation of heavy trucks upon any street where necessary to the conduct of business at a destination point within the town provided streets designated as truck routes are used until reaching the intersection nearest the destination point.

(ii) The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract of the town while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the town. (iii) The operation of school buses and buses used to transport persons to and from a place of worship, which run a designated route.

(iv) The operation of emergency vehicles upon any street in the town.

(3) <u>Signs posted</u>. Signs shall be posted on the entrances to each of the streets listed in subsection (2)(b) above indicating either by works or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets.

(4) <u>Penalty</u>. Any violation of this ordinance shall be punishable by a fine not to exceed fifty dollars (\$50.00). (Ord. #98-4, May 1998, modified)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Time limits.
- 16-208. Insurance.
- 16-209. Supervision.
- 16-210. Violation and penalty.

16-201. <u>Permit required</u>. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts, 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (Ord. #97-12, Oct. 1997)

16-202. <u>Applications</u>. Applications for such permits shall be made to the city recorder, 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

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of <u>City of Paris</u>, <u>Tennessee v. Paris-Henry County Public Utility District</u>, 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 recorder within twenty-four (24) hours of its filing. (Ord. #97-12, Oct. 1997)

16-203. <u>Fee</u>. The fee for such permits shall be thirty dollars (\$30.00). (Ord. #97-12, Oct. 1997)

16-204. <u>Deposit or bond</u>. No such permit shall be issued unless and until the applicant therefor has deposited with the city recorder a cash deposit. The deposit shall be in the sum of one thousand dollars (\$1,000.00) minimum and shall ensure the proper restoration of the ground and laying of the pavement. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, in the opinion of the public works director, the city recorder may increase the amount of the deposit to an amount considered by him/her to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 recorder a surety bond or irrevocable letter of credit in such form and amount as the public works director and/or city recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. Letter of credit and bond may run for a period of two (2) years consecutively and may be used to cover work as long as the amount does not exceed the bond amount. State of Tennessee Department of Transportation (TDOT) rights-of-way and thoroughfares shall meet the requirements of TDOT. (Ord. #97-12, Oct. 1997, as amended by Ord. #19-13, Dec. 2019 $Ch4_02-13-23$)

16-205. <u>Safety restrictions on excavations</u>. 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. (Ord. #97-12, Oct. 1997)

16-206. <u>Restoration of streets, etc</u>. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the public works director or city recorder 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 town 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 town, 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.

The person, firm, corporation, association or others who make the excavation or tunnel, shall file written notice of completion with the city recorder upon completing the restoration of the excavation. Such person, firm, corporation, association or others shall be responsible for keeping such surfaces in repair for a period of one (1) year from the date the notice of completion is filed with the public works director. (Ord. #97-12, Oct. 1997, as amended by Ord. #19-13, Dec. 2019 $Ch4_02-13-23$)

16-207. <u>Time limits</u>. 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. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city recorder. (Ord. #97-12, Oct. 1997)

16-208. <u>**Insurance**</u>. The person, firm, corporation, association or others who make the excavation or tunnel, shall indemnify, defend and hold harmless the town, its elected officials and employees for losses or claims resulting from such person, firm, corporation, association or other's negligence, acts or omissions in the course of such work or otherwise. Prior to issuance of a permit, such person, firm, corporation, association or others performing such work shall provide a current certificate of insurance to the town showing limits of liability equal to or greater than those of <u>Tennessee Code Annotated</u>, § 29-20-403, with the town listed as an additional insured. (Ord. #97-12, Oct. 1997)

16-209. <u>Supervision</u>. The person designated by the board of mayor and aldermen or the public works director 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 town and see to the enforcement of the provisions of this chapter. Notice shall be given to him/her at least ten (10) hours before the work of restoring any such excavation or tunnel commences. (Ord. #97-12, Oct. 1997, as amended by Ord. #19-13, Dec. 2019 *Ch4_02-13-23*)

16-210. <u>Violation and penalty</u>. Any violation of this chapter shall constitute a civil offense and shall be punishable by revocation of permit, by a civil penalty not to exceed fifty dollars (\$50.00), or by both civil penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #97-12, Oct. 1997, modified)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

[RESERVED FOR FUTURE USE]

¹Municipal code reference

Property maintenance regulations: title 13.

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEPTIC TANK CONSTRUCTION SPECIFICATIONS.

CHAPTER 1

SEPTIC TANK CONSTRUCTION SPECIFICATIONS²

SECTION

- 18-101. Scope of standard septic tank construction and installation specifications.
- 18-102. Reference standards.
- 18-103. Construction standards.
- 18-104. Installation standards.
- 18-105. All septic tanks to have effluent filters.
- 18-106. All septic tank connections shall use watertight fittings.
- 18-107. Septic tank sizing.
- 18-108. Risers for access openings.
- 18-109. Inspection.
- 18-110. Violation and penalty.

18-101. <u>Scope of standard septic tank construction and</u> <u>installation specifications</u>. All new construction of septic tanks and replacement of septic tanks within the Town of Pleasant View shall be made pursuant to this chapter and Town of Pleasant View standard specifications. The chapter and specifications shall be applicable to residential, commercial and industrial use, but shall not be construed so as to deny or minimize the requirements as set forth by the State of Tennessee, and the Department of Environment and Conservation, and this chapter shall be in addition to reference standards. (Ord. #00-10, Aug. 2000)

18-102. <u>Reference standards</u>. The reference standards for septic tank construction and installation shall be pursuant to ASTM standards, C1227-95 standard specification for pre-cast concrete septic tanks and Tennessee

²A list of approved septic tank manufacturers for the Town of Pleasant View is of record in the office of the city recorder.

¹Municipal code references

Building, utility and housing codes: title 12.

Department of Environment and Conservation standards, all of which are incorporated herein by reference. (Ord. #00-10, Aug. 2000)

18-103. <u>Construction standards</u>. Materials utilized shall be septic tanks constructed of reinforced Portland cement concrete and shall be tanks that are cast monolithically, one piece construction with two compartments having discharge through the baffle at mid-depth. Tanks of other materials, such as, polyethylene may be used following approval by the city engineer. (Ord. #00-10, Aug. 2000)

18-104. <u>Installation standards</u>. All septic tanks shall be installed on a clean, smooth base, either undisturbed soil or gravel backfill, without projecting bedrock or stone greater than three inches (3") in diameter and no projecting bedrock or stone greater than three inches (3") in diameter shall be allowed to be in contact with or within four inches (4") of the exterior septic tank surface. All tanks installed shall be inspected by the town's building inspector or by the TDEC representative. Any tank installed in a location that is subject to traffic loads shall be certified by the manufacturer for such installation and must be bedded in a minimum of four inches (4") of graded stone AASHTO size No. 6 or smaller. (Ord. #00-10, Aug. 2000)

18-105. <u>All septic tanks to have effluent filters</u>. A septic tank effluent filter, such as manufactured by Orenco Systems, Inc., or its equivalent, shall be installed on each tank and sized according to the use thereof. All installations of effluent filters shall be in accordance with the manufacturer's instructions and specifications. All installations, other than those installations for single family residential units, shall be inspected and approved by the city engineer, prior to covering with backfill. (Ord. #00-10, Aug. 2000)

18-106. <u>All septic tank connections shall use watertight fittings</u>. All septic tank connections shall use water type pressure fittings. Any and all pipe connections to the septic tanks shall use watertight fittings. (Ord. #00-10, Aug. 2000)

18-107. <u>Septic tank sizing</u>. Septic tanks for residences having two (2) or fewer bedrooms, without garbage disposals, shall have a minimum capacity of one thousand (1,000) gallons. Septic tanks for residences having three (3) or more bedrooms, or with garbage disposals, shall have a minimum capacity of one thousand five hundred (1,500) gallons. Commercial buildings shall have septic tanks sized at 4.5 times the average daily flow. The city engineer shall review and approve all flow projections and sizing of commercial septic tanks. Tanks for restaurants and industrial facilities shall be sized by the city engineer on a per site basis. (Ord. #00-10, Aug. 2000)

18-108. <u>Risers for access openings</u>. Risers for access openings at inlet side and outlet side shall be constructed of high density polyethylene or concrete. Concrete risers shall be used to adjust the finished grade openings to a point approximately six inches (6") below the ground surface. Risers shall be bedded in Portland cement mortar. Riser covers shall have the initial segment cast into the concrete tank. Additional segments shall be added as necessary to adjust the finished grade of the openings flush with the finished grade. Joints between riser segments shall be sealed by elastomeric sealant or by other approved methods. Riser covers shall be securely fixed to the riser body with stainless steel screws. Risers in traffic areas shall be of concrete construction and covers in such traffic areas shall be cast iron certified for traffic loads, flush with the surface and watertight construction. (Ord. #00-10, Aug. 2000)

18-109. <u>**Inspection**</u>. All inspections for compliance with the provisions of this chapter shall be made prior to the covering with backfill. (Ord. #00-10, Aug. 2000)

18-110. <u>Violation and penalty</u>. It shall be unlawful for any person to violate or fail to comply with any of the provisions of this chapter. The violation of any of the provisions of this chapter shall be punishable by a civil penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #00-10, Aug. 2000, modified)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

- 1. SPECIAL EVENTS.
- 2. RECREATION FACILITIES RULES AND REGULATIONS.

CHAPTER 1

SPECIAL EVENTS

SECTION

- 20-101. Event permit required.
- 20-102. "Event" defined.
- 20-103. Exemptions.
- 20-104. Application contents and fee.
- 20-105. Approval of application.
- 20-106. Issuance of event permit.
- 20-107. Additional services.
- 20-108. Concession booths and vendors.
- 20-109. Revocation.
- 20-110. Advertising requirements.
- 20-111. Routes for 5K events.

20-101. <u>Event permit required</u>. Whenever any person, group, association, club, business, firm, or corporation desires to sponsor any "event," as hereinafter defined, such person, group, association, club, business, firm or corporation shall first obtain an "event permit" from the Town of Pleasant View. (as added by Ord. #12-2, March 2012)

20-102. <u>"Event" defined</u>. An "event" is any festival, parade, race, dance, celebration or other gathering involving the use of public facilities in the Town of Pleasant View, including, but not limited to parks, streets, alleys, sidewalks, or other city owned facilities which necessitates additional services as described in § 20-107 of this chapter, and which includes a general invitation to all members of the public to either participate in and/or view such event, or part thereof. (as added by Ord. #12-2, March 2012)

20-103. <u>Exemptions</u>. Any/all government or not for profit organizations shall be exempt from paying any cost under § 20-107 of this chapter but shall not be exempt from obtaining an "event permit" from the Town of Pleasant View. (as added by Ord. #12-2, March 2012)

20-104. <u>Application contents and fee</u>. Event permits shall be issued only upon the submission of an application therefore which will be filed with the city recorder a minimum of twenty-one (21) days prior to the anticipated date of the event. Such application must contain the following information:

(1) A detailed description of the event, including all associated events/and or uses; and the date or dates, and hours of the event. Event permits shall not be issued for more than three (3) days, unless otherwise approved by the "event committee." A site plan shall be submitted upon request.

(2) A detailed description of the specific area where the event shall be held, and, if street closure is requested, a complete listing of such streets or portions thereof, together with the dates and hours of closures.

(3) A description of any city services and/or utilities that shall be needed.

(4) The approximate number of citizens expected to either participate in and/or view the event.

(5) The exact name of the person, group, association, club, business, firm, or corporation sponsoring said event, together with the complete name, address, and telephone number of the person to contact for all communications from the town.

(6) Certificate of insurance naming the town as an additional insured, with same/equal limit one million dollars (\$1,000,000.00) general liability and one million dollars (\$1,000,000) per occurrence, presented at the time of application.

(7) The payment of twenty-five dollars (\$25.00) for processing fee of the application. Additional fees/deposits may apply. The town reserves the right to waive the twenty-five dollars (\$25.00) processing fee for any government and/or non-profit organization.

(8) Any application not meeting the requirements of the special event permit shall be denied if not completed in full by (21) twenty-one days prior to the event. Denied applications will be notified in writing to the applicant. (as added by Ord. #12-2, March 2012, amended by Ord. #12-09, Nov. 2012, and replaced by Ord. #18-15, July 2018)

20-105. <u>Approval of application</u>. The "event committee" shall review all such applications. This event committee shall consist of but not be limited to the mayor and department heads. The committee shall grant final approval of the event permit. (as added by Ord. #12-2, March 2012)

20-106. <u>Issuance of event permit</u>. After the approval of the application, the event permit shall be issued by the event committee only after the sponsor has presented the town with a certificate of insurance, with same/equal limit one million dollars (\$1,000,000.00) general liability and one million dollars (\$1,000,000.00) per occurrence, with the Town of Pleasant View

named as additional insured; protecting the town from any and all claims and liabilities arising out of the event. (as added by Ord. #12-2, March 2012)

20-107. <u>Additional services</u>. The town reserves the right to require one (1) or more Town of Pleasant View police officers or other city personnel to be present at any and all events that occur within the city limits. Please budget for this request at twenty-five dollars (\$25.00) per hour at a minimum of two (2) hours. The organization sponsoring the event shall contract directly with the police officers or other city personnel and payment by the sponsoring organization shall be paid directly to the individuals working the event prior to the start of the event.

All town services and utilities which are required by the event over and above the normal level of service provided to the general public shall be charged to the sponsor at the rates established by this chapter. The Town of Pleasant View shall be compensated for the use of city vehicles and equipment at the rate of ten dollars (\$10.00) per hour, per vehicle. Where possible, such additional services shall be paid within forty-five (45) days upon the receipt of a statement from the Town of Pleasant View.

Additional Services/Charges: Other: Any expenses incurred above the normal level of service to accommodate the permit holder i.e., port-o-johns, additional electrical services, seating, etc. shall be at the event permit holder's expense. (as added by Ord. #12-2, March 2012, and replaced by Ord. #12-09, Nov. 2012)

20-108. <u>Concession booths and vendors</u>. The event sponsor shall be in charge of all concession booths and vendors. The sponsor shall determine what booths and vendors shall be allowed, and see that they comply with all ordinances, statutes, rules and regulations, including, but not limited to: public health, safety requirements, and anti-discrimination laws. For events which have multiple vendors, a form must be completed for each vendor that contains: name and location of business, name of managing agent, and copy of managing agent's driver's license. Background checks may be conducted on any vendor. A map/drawing of the event should be returned to the town with the application that shows location of each vendor. (as added by Ord. #12-2, March 2012)

20-109. <u>Revocation</u>. The event committee or his/her designee shall have the authority to immediately review the permit for a violation of any section of this chapter or if there is any direct threat to the health or safety of the general public. (as added by Ord. #12-2, March 2012)

20-110. <u>Advertising requirements</u>. All special events shall be advertised in a newspaper of general circulation at a minimum of two (2) weeks prior to the scheduled event to ensure adequate notice of the event is given to the public. (as added by Ord. #12-09, Nov. 2012)

20-111. <u>Routes for 5K events</u>. The event sponsor must provide a map of the proposed route for the 5K event. This map must be provided in a time and manner that will allow the police chief ample time to make a thorough consideration of the proposed route. The event sponsor must provide an appropriate number of volunteers to provide safety to not only the event participants, but also the general public. The map must show the proposed

sent back to the event sponsor with necessary changes. If the approved number of volunteers are not present on the day of the event, the Pleasant View Police Department reserves the right to cancel the event without notice. (as added by Ord. #12-09, Nov. 2012, and replaced by Ord. #13-11, Aug. 2013)

location of all volunteers and will be reviewed by the police chief for approval or

CHAPTER 2

<u>RECREATION FACILITIES</u> <u>RULES AND REGULATIONS</u>

SECTION

20-201. Preamble.

- 20-202. Definitions.
- 20-203. General information.
- 20-204. Scheduling procedures for city recreation facilities.
- 20-205. User fees.
- 20-206. Specific rules regarding the use of recreation facilities.

20-201. <u>**Preamble**</u>. It is the expressed intent and purpose of the mayor and board of aldermen that all eligible persons be permitted to utilize city-owned and/or operated recreation facilities to the fullest extent possible. To do so, the city must consider the safety of park users, the wear on park property that is inherent with its use, facility maintenance and upkeep, and the fact that city facilities are limited in size and availability. Therefore, the "rules and regulations" governing the use of these facilities shall serve to promote fair and equitable access for all, while remaining fully cognizant of the interests of the residents of the Town of Pleasant View. (as added by Ord. #13-10, July 2013, and replaced by Ord. #22-08, July 2022 $Ch4_02-13-23$, and Ord. #23-01, Feb. 2023 $Ch4_02-13-23$)

20-202. <u>**Definitions**</u>. The following terms, as used within these "rules and regulations," shall have these definitions as specified below:

(1) "Adequate minimum liability insurance coverage" - Bodily injury liability coverage, personal injury liability coverage, and property damage liability coverage that provides for one million dollars (\$1,000,000.00) of protection for each occurrence and one million dollars (\$1,000,000.00) of protection as a policy aggregate.

(2) "Application for recreation facility use" - The contract and application form required to be submitted by all organizations requesting use of city-owned or operated recreation facilities.

(3) "City" - The Town of Pleasant View, Tennessee, as defined by the current corporate limits of the city. This term may also refer to any unit of the city government.

(4) "City-owned or operated recreation facilities" - The following facilities fall under the jurisdiction of these "rules and regulations": Balthrop Park, Pleasant View Community Park, and any future properties and/or facilities the town may acquire.

(5) "City located youth organization(s)" - Recreational organizations run by the Town of Pleasant View - [RESERVED]:

(6) "Committee" - The Town of Pleasant View Board of Parks and Recreation.

(7) "Emergency request" - Those requests for use of city-owned or operated recreation facilities that are submitted during the actual week of the requested time for recreation facility use.

(8) "Open time" - All hours specifically reserved for unorganized use by the residents of the Town of Pleasant View. These hours are Sunday from 8:00 A.M. until dark (except as otherwise noted) and on Monday through Friday from 8:00 A.M. until 4:00 P.M.

(9) "Organizations headquartered with the city, but not city located youth organizations" - Any recreational organization not meeting the definition set forth in definition (5), but who belongs to a sports association headquartered in Pleasant View and whose membership consists primarily of residents of the Town of Pleasant View who meet regularly at a physical location within the current corporate limits of the city. Organizations whose primary affiliation is with a sports association headquartered outside of the corporate limits of the city do not qualify under this part, but, rather, qualify under definition (11).

(10) "Organized use/organized sports activity" - Any use or activity, usually over a period of time, characterized by belonging to an organization, or involving the scheduling or routine holding of games or practices, or the wearing of uniforms and/or use of umpires/referees.

(11) "Outside organization(s)" - Any organization requesting recreation facility use that does not meet the definitions set forth in both definition (5) and definition (9) above.

(12) "Permit" - Permit for recreation facility use for a specific requesting organization, as approved by the board and/or the city.

(13) "Resident" - Any individual who currently resides at an address within the corporate limits of the city.

(14) "Rules and regulations" - The current "city recreation facilities rules and regulations."

(15) "Unsuitable for use" - Those days or hours that are determined to be unacceptable for use based on the physical condition of the recreation facility in question. The designated representative of the Town of Pleasant View Public Works Department shall make this determination. (as added by Ord. #13-10, July 2013, and replaced by Ord. #22-08, July 2022 $Ch4_02-13-23$, and Ord. #23-01, Feb. 2023 $Ch4_02-13-23$)

20-203. <u>General information</u>. The committee, as designated by the mayor and board of aldermen, shall be responsible for making recommendations to ensure the maximum appropriate usage of city-owned or operated recreation facilities. Furthermore, the committee shall also work to promote the usage of city recreation facilities by the community. The committee shall be charged with maintaining full recreation facility use schedules, including designated open times for general use in any given period of time. (as added by Ord. #13-10, July

2013, and replaced by Ord. #22-08, July 2022 *Ch4_02-13-23*, and Ord. #23-01, Feb. 2023 *Ch4_02-13-23*)

20-204. Scheduling procedures for city recreation facilities.

(1) Application for use must be made, in writing, to the "Town of Pleasant View 1008 Civic Court, Pleasant View, Tennessee 37146." Requests for spring/summer use must be submitted no later than two (2) months prior to the spring, summer and fall seasons. Requests are taken on a first come, first serve basis. Requests for special event use must be submitted no later than two (2) weeks prior to the date requested. Organized teams must submit, in writing, a proposed schedule for each sport along with the "application for recreation facility use" for approval by the city.

Extension, schedule adjustments, or additional items must be submitted separately, when and if needed. Use prior to permitted dates and times is not allowed. Whether or not a school or other entity applying for field use has access to other fields that are usable for the same purpose is relevant in determining whether to grant requests for use of city fields. Copies of all schedules, for practices and games, must be submitted to the city as soon as they can be made available.

(2) It is the intent and purpose of the mayor and board of aldermen that city located youth organizations shall have priority in scheduling city-owned or operated recreation facilities. In the event of a conflict as to field time use, the committee shall make a recommendation to the mayor and board of aldermen who will make the final decision.

(3) Permission may be granted by the board for either organizations headquartered within the city, but not city located youth organizations, or outside organizations to use city-owned or operated recreation facilities, upon submission of a written request to the board (as described in § 20-204(1) above). These two (2) categories of organizations are subject to the same rules and procedures that apply to any other organizations requesting recreation facility use. In addition, outside organizations shall be subject to the recreation facility user fee schedule, as described later in this document.

(4) The city and the board reserve the right to: limit use, refuse the use of any city-owned or operated recreation facility, and/or cancel any permit granted for usage of these facilities upon due cause or upon the recommendation of an appropriate member of the committee. Due cause shall include any of the following: violation of any of the "rules and regulations" (see § 20-206), documented misuse of any city-owned or operated recreation facilities, or improper recreation facility cleanup.

(5) The Town of Pleasant View, the board, city employees, and city representatives shall not be liable for any physical injury or property damage incurred on or adjacent to any city-owned or operated recreation facility when damage or injury has been caused by, or as a result of, any activity—whether officially sanctioned or not. Consequently, all organizations requesting the use of any city-owned or operated recreation facility shall be required to submit, along with their "application for recreation facility use," proof of adequate minimum liability insurance for all members of the requesting organization. In addition, all such organizations shall indemnify and hold the city harmless from any claims or losses resulting from the use of city recreation facilities.

(6) After receiving all requests for recreation facility use for any given season, the board, at its discretion, may determine it necessary to schedule an "orientation meeting for recreation facility users." Any organizations requesting the use of city-owned or operated facilities for the first time must attend such a meeting. This meeting shall serve to provide both a review of these "rules and regulations" and also to allow the board and the new requesting organizations to review the tentative recreation facility use schedule. First time requesting organizations that do not attend this orientation meeting shall be ineligible for approved recreation facility usage during that particular season.

(7) An up-to-date copy of these "rules and regulations" shall be provided to all requesting organizations at the time of the orientation meeting. Additionally, an up-to-date copy of these "rules and regulations" shall be posted on the Town of Pleasant View's website, <u>www.townofoleasantview.com</u>. Additional rules may be posted at each individual park. It shall be the responsibility of each requesting organization's contact person to disseminate the "rules and regulations" to any coaches or other individuals who will be directly responsible for their group's use of city recreation facilities.

(8)All requesting organizations shall be asked to designate a specific "contact person" who shall be charged with keeping all interested parties informed of any issues that may arise in regards to their use of city recreation facilities. A contact list shall be developed and distributed to all requesting organizations that have received a permit for use of city-owned or operated recreation facilities. This contact list shall include: the names and telephone numbers of the designated representative of the committee and the names and telephone number of the designated representatives of the Town of Pleasant View. It shall be the responsibility of both the contact persons and all of the designated representatives to notify all others on the contact list of any situation, which has caused, or is expected to cause, a change in the approved recreation facility use schedule. At that point, the contact persons and designated representatives shall work together to devise a mutually convenient solution. (as added by Ord. #13-10, July 2013, and replaced by Ord. #22-08, July 2022 Ch4 02-13-23, and Ord. #23-01, Feb. 2023 Ch4 02-13-23)

20-205. <u>User fees</u>. (1) All organizations that utilize city-owned or operated recreation facilities have the responsibility to share equally in the costs of upkeep for these facilities.

(2) Consequently, the following basic user fee schedule (for both regularly scheduled use and special event use) shall exist:

(a) City located youth organizations: Any city located youth organizations shall be exempt from any and all user fees for use of city-owned or operated recreation facilities.

(b) Organizations headquartered within city, but not city located youth organizations: Any requesting organization who meet the definition of this category shall be required to pay fifteen dollars (\$15.00) per player, per sport for the use of city-owned or operated recreation facilities.

(c) Outside organizations: Any requesting organizations who meet the definition of this category shall be required to pay twenty-five dollars (\$25.00) per player, per sport for the use of city-owned or operated facilities. Provided, however, that a school not located within the city, but with significant community connection, may be authorized by a vote of the mayor and board of aldermen to use city fields for a special event at no charge if the use is otherwise appropriate for the field. A special event may be a championship game but does not include regular tournament play.

(d) Payment of fees: All fees must be paid by the requesting organization immediately following the city's approval of the organization's application for recreation facility use. The city's approval of the organization's application for recreation facility use is contingent upon payment of all user fees. The organization will not be permitted to use the requested recreation facility until all appropriate user fees have been paid. In the event that the player is added to the requesting organization's roster after the organization has begun facility use, payment must be made to the city prior to a player using the facility.

(3) In addition to the basic user fees described above, an additional service charge of two hundred dollars (\$200.00) per month will be assessed to all organizations using lighting at any city-owned or operated recreation facility. This fee will be paid by the organizations collectively based on a pro rata basis. The actual amount paid by each organization will be determined by the total number of organizations utilizing facility lighting.

(4) Unless otherwise stated, the "application for recreation facility use" shall govern the rights and responsibilities of both the city and the requesting organization in relation to the usage of city-owned or operated recreation facilities.

(5) The board and the city reserve the right to periodically review this user fee schedule and to make any adjustments deemed appropriate at that time.

(6) Waive of fees - the city may vote to waive user fees, in whole or in part, upon recommendation of the committee. When considering whether to recommend or grant a full or partial waiver of user fees, the following criteria shall be considered:

(a) The level of use that is involved with the activity, including wear and tear on the facility;

(b) The level of involvement by Pleasant View residents in the activity;

(c) The community benefit that may result from the activity, for example, recreational opportunities for youths or seniors;

(d) Volunteer services that the user provides to the city or its residents;

(e) Assistance to be provided by the user for maintenance of the recreational facility; and

(f) Whether user activities promote the interests of the Pleasant View community. (as added by Ord. #13-10, July 2013, and amended by Ord. #15-04, March 2015, Ord. #15-04, March 2015 $Ch4_02-13-23$, and replaced by Ord. #22-08, July 2022 $Ch4_02-13-23$, and Ord. #23-01, Feb. 2023 $Ch4_02-13-23$)

20-206. Specific rules regarding the use of recreation facilities.

(1) City-owned or operated recreation facilities shall be reserved for use only by those organizations or groups who have obtained the proper permit for use, and only at those times officially approved by the committee, with the exception of designated open times for unorganized use.

(2) In order that there shall be ample time for the usage of city-owned or operated recreation facilities for those members of the community who are not associated with organized programs, no organization nor its teams, nor any organized use or sports activity shall be authorized to play without applying for and receiving a permit. All activities shall be in compliance with the approved permit for use. "Emergency requests" may be approved on a limited basis by the city recorder.

(3) <u>All fields are available during the defined open times (see $\S 20-202(8)$) for unorganized use by the community</u>. Defined open times, when not otherwise permitted, shall be reserved to general use. To ensure the "open" use of the field, in no event shall one sports event or other activity involve the use or occupation of more than one-half (1/2) of any playing field. Should priority or permit users of the sports field not make actual use of any portion of their scheduled time, then it shall be open for general use and subject to permitting, provided, however, that the unused time may not be used for non-priority organized use or organized sports activity, as defined herein.

(4) No motorized vehicles (including motorcycles, ATVs, four-wheelers, etc.), except those authorized by the city and performing maintenance work or delivering, installing, or repairing city equipment, shall not be allowed on any portion of any city-owned or operated recreation facility other than designated parking areas. City sponsored events will be exempt from this policy.

(5) All organized activities shall begin no earlier than 4:00 P.M. and must end no later than sunset Monday through Friday unless otherwise

permitted by the city when approving the organization's application for recreation facility use. Scheduled Saturday activities shall begin no earlier than 8:00 A.M. and must end no later than sunset—unless otherwise permitted by the city when approving the organization's application for recreation facility use. Scheduled Sunday activities shall be started no earlier than 1:00 P.M. and shall end no later than 4:00 P.M. unless otherwise authorized by the mayor and board of aldermen.

(6) No games, practices, scrimmages, or use of any type shall be scheduled or played during any time when the city-owned recreation facility in question has been declared unsuitable for use. In the event that any city-owned or operated recreation facility is declared unsuitable for use, appropriate notices shall be posted. Each organization scheduled to use any recreation facility is responsible for checking that particular facility and notifying the players of the facility closure. No person, other than the designated representative of the city shall have the authority to remove these postings of facility closure. After any specific game has begun, the umpire/official has the authority to declare that particular recreation facility as unsuitable for use.

(7) <u>The Town of Pleasant View has adopted the following policy with</u> <u>respect to severe weather</u>. All organizations using city recreation facilities must adhere to these rules:

(a) You are in danger from lightning if you can hear thunder. Most people struck by lightning are not in the rain.

(b) If thunder and/or lightning can be heard and/or seen, stop the event and seek protective shelter immediately. Go inside a sturdy building or vehicle. Stay away from tall things like trees, fences, and utility poles. Lightning is attracted to metal and poles or rods.

(c) If you can't get inside or if you feel your hair stand on end and skin tingle (which means lightning is about to strike), immediately assume the following crouched position: drop to your knees, place your hands/arms on your legs, and lower your head. Do not lie flat.

(d) In the event that either situation should occur, allow thirty (30) minutes to pass after the last sound of thunder and/or last lightning strike prior to resuming play.

(8) <u>Field lighting</u>: Only the Town of Pleasant View and its designated representatives shall control recreation facility lighting usage. Written documentation must be maintained at city hall if the city designates someone other than a city employee to control recreation facility lighting. Lighting shall not be used except for scheduled organized activities, as noted in any specific group's "application for recreation facility use." Subsequent requests for lighting must be received by the chairperson of the committee no later than two (2) weeks prior to the first scheduled usage of lights.

Lighting use will correspond to the following scheduled times:

Sunday through Saturday:	Trail and field lighting will not be turned on from November 15th through January 31st. From February 1st until November 14th, trail lights will be on from dusk until 9:00 P.M. Field lighting will be on as requested by the organization utilizing the field, from dusk until 9:00 P.M., or until the end of practices.
Exceptions:	If a game is still in progress at the

(9) Maintenance and/or conditioning of city-owned or operated recreation facilities shall be the exclusive responsibility of the Town of Pleasant View unless otherwise designated in writing. No physical changes shall be made to any city-owned or operated recreation facility unless specifically authorized by the city in writing. Under no circumstances shall permit holders be permitted to do any type of work on any recreation facility, with the exception of refuse pickup on the field in question, unless otherwise specified by the city in writing.

scheduled shut-off time.

(10) Sale, possession, or consumption of any alcoholic beverage or any glass-bottled beverage of any kind is prohibited at any city-owned or operated recreation facility. Smoking is strictly prohibited on or within city-owned or operated recreation facilities. All firearms are strictly prohibited except for law enforcement officers acting in the course and scope of their employment. All pets must be on a leash not to exceed six feet (6') in length and restrained by the owner. Pets are not permitted in the playground areas or on athletic fields. Pet owners are responsible for picking up and disposing of their pet's solid waste from city-park property. Pet owners must make all reasonable efforts to discourage their pets from disposing liquid waste on flowers, shrubbery, decorative plants, or in other landscaped areas.

(11) Harassment of any representative of either committee or of the Town of Pleasant View may subject the individual or group to the cancellation of their permit to use city-owned or operated recreation facilities.

(12) Additionally, any egregious misuse of city-owned or operated recreation facilities may subject the individual or group to: make appropriate financial restitution for documented physical damages, the cancellation of that organization's permit to use any city-owned or operated recreation facility, and/or any other reasonable penalty deemed appropriate by the city.

(13) In the event that there are any special situations or circumstances that are not specifically described within this document, the city reserves the right, after appropriate consideration, to make a reasonable determination as to how that situation or circumstance shall be governed.

(14) Any individuals or organizations that have questions about the contents of this document are to forward to these questions to the: Town of Pleasant View Parks and Recreation Board, 1008 Civic Court, Pleasant View, Tennessee 37146. (as added by Ord. #13-10, July 2013, and replaced by Ord. #22-08, July 2022 *Ch4_02-13-23*, and Ord. #23-01, Feb. 2023 *Ch4_02-13-23*)

TOWN OF PLEASANT VIEW, TENNESSEE

ORDINANCE NUMBER 05-06

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF PLEASANT VIEW.

WHEREAS, some of the ordinances of the Town of Pleasant View 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 Mayor and Aldermen of the Town of Pleasant View, 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 "Pleasant View Municipal Code"

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF PLEASANT VIEW, TENNESSEE, THAT:

<u>Section 1.</u> <u>Ordinances codified.</u> The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revise in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Pleasant View Municipal Code," hereinafter referred to as the "municipal code."

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<u>Section 2.</u> <u>Ordinances repealed.</u> All ordinances of a general, continuing, and permanent application or of 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 appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the 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 or public way; any ordinance providing for local improvements and special assessments therefore; 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.

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<u>Section 4.</u> <u>Continuation of existing provisions.</u> 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.

<u>Section 5.</u> <u>Penalty clause.</u> 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 offence, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code 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."

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 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.

<u>Section 6.</u> <u>Severability clause.</u> 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 competent jurisdiction shall be deleted therefrom.

¹ State law reference

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

Reproduction and amendment of code. The municipal code shall be Section 7. reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to 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 súch 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 FIRST READING

PASSED SECOND READING

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<u>l'pril 12, 2005</u> Date

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May 10, 2005 7:00 p.m.

PUBLIC HEARING

۶., May 10, 2005 Kerry R. McCarver, Mayor Date

ATTEST:

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Lisa Parker, City Recorder

THE CAPTION OF THIS ORDINANCE WAS PUBLISHED IN THE *I-24 Exchange*, A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TOWN OF PLEASANT VIEW, TENNESSEE ON THE 10^{44} DAY OF 10^{44} 2005.