

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

1. SPECIAL EVENTS.
2. SHORT-TERM RESIDENTIAL RENTAL UNITS.

CHAPTER 1**SPECIAL EVENTS****SECTION**

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20-101. Event permit required. 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 Cumberland Gap. (as added by Ord. #6-2015, Aug. 2015)

20-102. "Event" defined. An "event" is any festival, parade, race, dance, celebration or other gathering involving the use of public facilities in the Town of Cumberland Gap, 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. #6-2015, Aug. 2015)

20-103. Exemptions. 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 Cumberland Gap. Such governmental or not for profit sponsors are not exempt from obtaining the required insurance coverage. (as added by Ord. #6-2015, Aug. 2015)

20-104. Application contents and fee. Event permits shall be issued only upon the submission of an application therefore which will be filed with the town recorder a minimum of forty-five (45) 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 board of mayor and alderman. 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 town 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 of Cumberland Gap as an additional insured, with same/equal limit of one million dollars (\$1,000,000.00) general liability and one million dollars (\$1,000,000.00) per occurrence.

(7) The payment of twenty-five dollars (\$25.00) for processing fee of the application. Additional fees/deposits may apply. (as added by Ord. #6-2015, Aug. 2015, as amended by Ord. #5-2022, Dec. 2022 *Ch9_12-05-22*)

20-105. Approval of application. The board of mayor and alderman will review, approve or reject all such applications. (as added by Ord. #6-2015, Aug. 2015)

20-106. Issuance of event permit. After the approval of the application, the event permit shall be issued by the board of mayor and alderman 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 Cumberland Gap named as additional insured; protecting the town from any and all claims and liabilities arising out of the event. (as added by Ord. #6-2015, Aug. 2015)

20-107. Additional services. 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 Cumberland Gap shall be compensated for the use of

vehicles and equipment operated by town employees for the benefit of sponsor(s) and the event at the rate of ten dollars (\$10.00) per hour, per vehicle. No vehicles or equipment owned by the town may be operated by employees of the sponsor(s) or any other individual not employed by the town and approved as an operator of such equipment. The wages of any town employee required to provide services for the event shall likewise be paid by the sponsor(s). Where possible, such additional services shall be paid within forty-five (45) days upon the receipt of a statement from the Town of Cumberland Gap.

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. #6-2015, Aug. 2015)

20-108. Concession booths and vendors. 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. (as added by Ord. #6-2015, Aug. 2015)

20-109. Revocation. The mayor 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. #6-2015, Aug. 2015)

20-110. Routes for 5K events. 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 board of mayor and alderman 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 location of all volunteers and will be reviewed by the board of mayor and alderman for approval or 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 Town of Cumberland Gap reserves the right to cancel the event without notice. (as added by Ord. #6-2015, Aug. 2015)

CHAPTER 2

SHORT-TERM RESIDENTIAL RENTAL UNITS

SECTION

- 20-201. Short-term residential rental units.
- 20-202. Additional definitions.
- 20-203. Certificate required.
- 20-204. Minimum standards for short-term rental units.
- 20-205. Certificate application; action on certificate application; certificate approval or appeals to board of mayor and alderman.
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- 20-207. Short-term rental unit annual fee.
- 20-208. Short-term rental agent.
- 20-209. Failure to obtain permit; penalties.
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20-201. Short-term residential rental units. Short-term residential rental units is defined as follows:

(1) "Short-term rental unit" or "unit" means a residential dwelling unit that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in Tennessee Code Annotated, § 68-14-302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in Tennessee Code Annotated, § 68-14-502.

(2) "Grandfathered short-term rental unit is defined." A short-term rental unit/property that began being held out to the public for use as a short-term rental unit within the Town of Cumberland Gap, and as to which the owner/manager provides therefor remitted taxes due on renting the unit pursuant to the provisions of Tennessee Code Annotated, § 67-6- 501, et seq. for filing periods that cover at least six (6) months within the twelve (12) month period immediately preceding the effective date of this chapter, such short-term residential unit legally pre-existing (as defined herein) the effect date of this chapter shall be hereafter referred to as "grandfathered short-term rental unit(s)." (as added by Ord. #3-2019, Aug. 2019 *Ch8_01-04-21*)

20-202. Additional definitions. (1) "Short-term residential rental agent." A natural person designated to be responsible for daily operations by the owner of a short-term residential rental or a short-term residential rental certificate application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within Claiborne, Tennessee, for purposes of transacting the short-term residential rental business. The short-term residential rental agent must meet all other requirements set forth by state law.

(2) "Short-term residential rental agent." A natural person designated to be responsible for daily operations by the owner of a short-term residential rental or a short-term residential rental certificate application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within Claiborne County, Tennessee, for purposes of transacting the short-term residential rental business. The short-term residential rental agent must meet all other requirements set forth by state law.

(3) "Short-term residential rental occupants." Guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a short-term residential rental dwelling unit for lodging for a period of time not to exceed thirty (30) consecutive days, but not in any event to be from any period of time less than overnight. (as added by Ord. #3-2019, Aug. 2019 *Ch8_01-04-21*)

20-203. Certificate required. No person or entity shall operate a short-term rental unit, including without limitation a grandfathered short-term rental unit, unless a short-term rental permit has been first obtained from the office of the mayor. To obtain a short-term rental permit, an otherwise eligible applicant must submit an application in compliance with the provisions of this chapter of the city code on a form provided by the city. If approved, a legible copy of the short-term rental permit shall be posted within the unit and shall include all of the following information:

- (1) The name, address, telephone number and email address of the owner of the short-term rental unit and the short-term rental agent, if applicable;
- (2) The business license number;
- (3) Any applicable hotel-motel tax certifications and or numbers as are applicable pursuant to Tennessee Code Annotated, § 67-4-1401 et seq.;
- (4) The maximum occupancy of the unit; and
- (5) The maximum number of vehicles that may be parked at the unit;
- (6) The short-term rental permit number.

All short-term rental units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, housing, building, health and life safety code provisions. (as added by Ord. #3-2019, Aug. 2019 *Ch8_01-04-21*)

20-204. Minimum standards for short-term rental units.

- (1) Short-term rental unit shall meet the following minimum standards:
 - (a) A short-term rental unit may include a primary dwelling unit and/or a secondary dwelling unit, but cannot include uninhabitable structures such as garages, barns or sheds.

(b) A short-term rental unit must meet all applicable laws related to zoning, housing, building, health, electrical, gas, plumbing and life safety.

(c) There shall be no more than five (5) sleeping rooms made available for rental.

(d) Maximum occupancy: the maximum occupancy shall be determined by the total of:

(i) Two (2) persons per bedroom up to one hundred forty (140) square feet.

(ii) For bedrooms over one hundred forth (140) square feet the occupant load will be determined by the area of the room divided by seventy (70) square feet.

(iii) The occupancy maximum shall be conspicuously posted within the short-term residential rental unit.

(iv) The short-term rental unit owner shall not receive any compensation or remuneration to permit occupancy and shall not permit occupancy of a short-term rental property for any agreed or contracted period of less than twenty-four (24) hours.

(e) The short-term rental permit holder shall be responsible for collecting and remitting all applicable hotel and motel and sales taxes and any other taxes required by state law and/or by the town code of the Town of Cumberland Gap.

(f) Adequate on-site parking shall be provided, as determined by the town after considering proposed/maximum permitted number of guests, frequency of operations, and availability of on-street parking (if any). As a general rule, parking shall not be allowed on any vegetated area of the premises on which the short-term residential rental is located.

(g) All occupants shall abide by all generally applicable codes, ordinances and regulations, including without limitation, applicable noise restrictions and all applicable waste management provisions of the town code of the Town of Cumberland Gap.

(h) The name and telephone number of the owner of the short-term rental unit or the short-term rental agent shall be conspicuously posted within the short-term rental unit.

(i) As per the provisions of Tennessee Code Annotated, § 13-7-601, certain limited provisions of this subsection may not be applicable or wholly applicable to "grandfathered short-term rental units." (as added by Ord. #3-2019, Aug. 2019 *Ch8_01-04-21*)

20-205. Certificate application; action on certificate application; certificate approval or appeals to board of mayor and alderman.

(1) Certificate applications. Applicants for a short-term rental units permit shall submit an application to the office of the mayor. The application shall be furnished under oath on a form specified by the town. This provision

shall apply whether the application is for a short-term rental unit or a "grandfathered short-term rental unit" together with documentary evidence which supports classifying to (proposed) short-term rental unit as a "grandfathered short-term rental unit." Such application shall include:

- (a) The name, address, telephone number and email address of the owner of the short-term rental unit and the short-term rental agent, if applicable;
- (b) Documentation that applicant is the owner or the short-term rental agent;
- (c) The business license number;
- (d) Certification and/or registration number relating to the hotel-motel occupancy tax authorized by Tennessee Code Annotated, § 67-4-1401 et seq.;
- (e) A concept plan, indicating the subject property, the building(s) on the site intended for short-term rental unit, proposed parking and guest access;
- (f) A narrative with the following:
 - (i) A description of the area available for short-term rental (i.e. the entire property and house, a guest cottage, a portion of the house, etc.);
 - (ii) A description of the number of bedrooms proposed for rental, which shall not be more than five (5) bedrooms under any circumstance;
 - (iii) The maximum number of guests to be accommodated at one (1) time;
 - (iv) The days of operation (all year, just holidays, weekend/weeknights, etc.);
 - (v) How trash will be handled, and the method of informing occupants about method of disposal of trash; and
- (g) Proof of insurance on the dwelling unit.

As per the provisions of Tennessee Code Annotated, § 13-7-601, certain limited provisions of this subsection may not be applicable or wholly applicable to "grandfathered short-term rental units."

- (2) Application fee. (a) The permit application fee for owner-occupied short-term rental units shall be seventy-five dollars (\$75.00).
 - (b) The permit application fee for all other non-owner-occupied short-term rental units shall be one hundred twenty-five dollars (\$125.00).
- (3) Application review. (a) The office of the mayor shall also by mail or email submit a copy of the application for any short-term rental unit permit to individual members of the board of mayor and alderman.
 - (b) The mayor shall notify the fire chief and the building inspector to ensure compliance with state and local laws.

(c) If the application meets all of the requirements set forth in this chapter, the office of the mayor shall so advise the board of mayor and alderman and shall issue, to the applicant, a short-term rental unit Permit within thirty (30) days of receipt of the application.

(d) If objections or appeals are made to the issuance of the short-term residential rental certificate, the mayor shall note and hold a hearing, upon notice to the applicant and the objecting parties, in a manner that the mayor prescribes and shall determine whether to grant or deny the short-term rental unit permit based upon the minimum standards for review as set forth herein, and as relates to any generally applicable health, safety, and/or building codes with respect to the short-term rental unit. Such hearing shall take place not later than forty-five (45) days after the application has been submitted to the office of the mayor. The decision of the mayor as to whether to issue, deny or revoke any permit shall be final, reviewable only by application for writ of certiorari to the Chancery Court of Claiborne County, Tennessee as provided in the Tennessee Code Annotated.

As per the provisions of Tennessee Code Annotated, § 13-7-601, certain limited provisions of this subsection may not be applicable or wholly applicable to "grandfathered short-term rental units." (as added by Ord. #3-2019, Aug. 2019 *Ch8_01-04-21*)

20-206. Permit approval, transferability, conditions, renewal and revocation. (1) Permit approval. The permit application, if approved, shall be issued for a specific site location and/or address of the proposed short-term rental unit or grandfathered short-term rental unit provided in the application as set forth in this chapter of the town code.

Upon receipt of a short-term rental unit permit number, the applicant must display said number on any materials or platforms used to advertise the short-term rental unit.

(2) Grant or denial of application. Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate compliance with generally applicable local ordinances, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications. The decision of the Mayor as to whether to issue, deny or revoke any permit shall be final, reviewable only by application for writ of certiorari to the Chancery Court of Claiborne, Tennessee as provided in the Tennessee Code Annotated.

(3) Transferability. The certificate is non-transferable to another site, property, location or owner. Grandfathered short-term rental unit permits are subject to additional transferability restrictions as provided in Tennessee Code Annotated, § 13-7-601, et seq., as now enacted or hereafter amended.

(4) Revocation. The town reserves the right to suspend, revoke and/or modify any permit as restrictions and/or conditions imposed as a granted short-term rental unit at any time upon notice to the address of record for the short-term rental unit and after a public hearing. Once the property has three (3) documented town code and/or other violations of any generally applicable state laws or breaches of the peace within any running twelve (12) month period and/or based upon unreasonable interference with the use and enjoyment of adjoining or other nearby properties. Such violations shall be evidenced by a finding of guilt or fault or unreasonable interference with the use and enjoyment of nearby properties, by a court or an administrative officer or other body designated by the board of mayor and alderman.

A short-term rental unit permit which is revoked shall prevent its permit holder and/or any owner of or agent for the specific property from applying for a new permit for short-term rental unit permit for a period of one (1) year from date of revocation.

(5) Suspension of permit. The mayor may suspend a previously issued permit in the event that a permittee is found to be noncompliant with any of the terms, conditions or requirements of this chapter. Any permit which is suspended for administrative noncompliance with permitting requirements may be, upon payment of a fifty dollar (\$50.00) reinstatement and inspection fee, be reinstated upon the permittee demonstrating, to the satisfaction of the mayor, that the noncompliance issue(s) which resulted in suspension of the permit have been resolved.

(6) No property shall be operated as a short-term rental unit which its permit is suspended and/or if its permit has been revoked and unless and until a valid short-term rental unit permit shall be subsequently issued by the mayor.

(7) As per the provisions of Tennessee Code Annotated, § 13-7-601, certain limited provisions of this subsection may not be applicable or wholly applicable to "grandfathered short-term rental units." (as added by Ord. #3-2019, Aug. 2019 **Ch8_01-04-21**)

20-207. Short-term rental unit annual fee. (1) There shall be a short-term rental unit permit renewal and inspection fee to be paid annually in the amount of one hundred dollars (\$100.00) which, upon inspection by the city and satisfactory demonstration of compliance by the permit holder and property of the terms, provisions and conditions of the chapter shall entitle the permittee to renewal of the permit for the ensuing twelve (12) months.

(2) Failure to pay the annual renewal fee and to cooperate with permit inspection requirements shall result in suspension of the permit which, if not remedied within sixty (60) days after suspension, shall automatically result in revocation of the permit for that particular location. (as added by Ord. #3-2019, Aug. 2019 **Ch8_01-04-21**)

20-208. Short-term rental agent. (1) The owner of a short-term rental unit shall designate a short-term rental agent on its application for a permit for a short-term rental unit. A property owner may serve as the short-term rental agent. Alternatively, the owner may designate a person as his or her agent who is over age eighteen (18) and meets all local and state regulatory requirements to fulfill the duties of a short-term rental agent.

(2) The duties of the short-term rental agent are to:

(a) Be reasonably available to handle any problems arising from use of the a rental unit;

(b) Appear on the premises of any short-term rental unit within two hours following notification from the city of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the city code or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties and/or permit/certificate revocations as set forth in this chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;

(c) Receive and accept service of any notice of violation or notice of hearing related to the short-term rental unit; and

(d) Monitor the short-term rental units for compliance with all laws, including without limitations compliance with the provisions of the hotel-motel tax authorized by Tennessee Code Annotated, § 67-4-1401, et seq.;

(3) An owner may change his or her designation of a short-term rental agent temporarily or permanently; however, there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the mayor in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of this chapter.

(4) As per the provisions of Tennessee Code Annotated, § 13-7-601, certain limited provisions of this subsection may not be applicable or wholly applicable to "grandfathered short-term rental units." (as added by Ord. #3-2019, Aug. 2019 *Ch8_01-04-21*)

20-209. Failure to obtain permit; penalties. (1) Any violation of this chapter, including failure to obtain a permit or to renew a permit of continued or initiating operation of a short-term rental unit either without a permit or after revocation of a permit shall be punishable by a civil penalty of fifty dollars (\$50.00) per violation. Each day that the violation continues shall be a separate offense. There shall be a rebuttable presumption that a person or entity is in

violation of this chapter if they list or hold out a property as a short-term rental unit without first obtaining a short-term rental permit. This rebuttable presumption also applies to those dwellings featured on websites whose primary purpose is business related to short-term rental unit reservations.

(2) The owner and/or agent of or with respect to a "grandfathered short-term rental unit," which may be otherwise exempt from compliance with some of the regulations, conditions and requirements of this chapter shall nevertheless be required to apply for a permit within the thirty (30) days next following the effective date of this chapter. If the owner or agent shall fail to apply within said thirty (30) day period or shall otherwise fail to meet the requirements of generally applicable laws, rules and ordinances as to said Grandfathered short-term rental units, shall, upon notice from the mayor cease operations as a short-term rental unit and shall not resume such operations or advertisement as a short-term rental unit until such time as the owner and/or property shall make a proper application for a permit and demonstrate compliance with all requirements of this chapter and generally applicable law. As provided in Tennessee Code Annotated, § 13-7-601, a "grandfathered short-term rental unit" may lose grandfathered status by failure to adhere to and/or violation of all or any of the qualifying conditions and/or requirements of Tennessee Code Annotated, § 13-7-603, including but not limited to:

(a) The property used as a grandfathered short-term rental unit is sold or otherwise transferred by or from the owner(s) of the property when first qualified or established as a grandfathered short-term rental unit and/or;

(b) The property ceases to be used as a short-term rental unit for any period of thirty (30) continuous months and/or;

(c) The property has been found to be in violation of a generally applicable local ordinance or state law on three (3) or more separate times and with no appeal opportunities remaining.

(3) As per the provisions of Tennessee Code Annotated, § 13-7-601, certain limited provisions of this subsection may not be applicable or wholly applicable to "grandfathered short-term rental units." (as added by Ord. #3-2019, Aug. 2019 **Ch8_01-04-21**)

20-210. Invalidity of part; private agreements and covenants.

Should any court of competent jurisdiction declare any section, clause or provision so declared unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provisions of this chapter. Additionally, this chapter shall in no way be used to supersede any privately created agreements or covenants by any homeowner associations or developers restricting certain uses. (as added by Ord. #3-2019, Aug. 2019 **Ch8_01-04-21**)