

**THE  
PITTMAN CENTER  
MUNICIPAL  
CODE**

Prepared by the



**Municipal Technical Advisory Service**  
*In cooperation with the Tennessee Municipal League*

January 2021

*Change 1*  
*August 18, 2022*

**TOWN OF PITTMAN CENTER, TENNESSEE**

**MAYOR**

Jerry Huskey

**VICE MAYOR**

Kevin Howard

**ALDERMEN**

Cheryl Houston  
Steve McCarter  
Billy McCarty

**RECORDER/ADMINISTRATOR**

Tammy Watts

**TOWN ATTORNEY**

Tyler C. Huskey

## PREFACE

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

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

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

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

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

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

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

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

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

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### **CHARTER**

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**TITLE 1**

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

**CHAPTER**

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

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<sup>1</sup>Charter 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, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

## CHAPTER 1

**BOARD OF MAYOR AND ALDERMEN**<sup>1</sup>**SECTION**

1-101. Board of mayor and aldermen.

1-102. Time and place of regular meetings.

**1-101. Board of mayor and aldermen.** The board shall be governed by a board of mayor and aldermen consisting of a mayor and four (4) aldermen. (2000 Code, § 1-101)

**1-102. Time and place of regular meetings.** The board of mayor and aldermen shall meet at such times and places as it shall from time to time establish. Adequate public notice of said meeting times and places shall be given. (2000 Code, § 1-101)

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<sup>1</sup>Charter references

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

City Administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of Mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

## CHAPTER 2

### ADMINISTRATOR

#### SECTION

1-201. Administrator.

1-202. Administrator to be bonded.

1-203. Bond amount.

**1-201. Administrator.** (1) There is hereby created and established the position of town administrator. The town administrator shall be appointed by the board of mayor and aldermen wholly on the basis of administrative ability and qualifications and shall hold office for and at the pleasure of the board. The town administrator shall devote full time to the duties of his or her office.

(2) The town administrator shall act under the direction and control of and shall be responsible to the board and shall perform the following duties:

(a) Duties listed in *Tennessee Code Annotated*, § 6-4-101;

(b) Employ, promote, discipline, suspend, and discharge all employees in accordance with the personnel policies and procedures, if any, adopted by the board of mayor and aldermen, and keep personnel files on all employees.

(c) Act as purchasing agent for the municipality in the purchase of all materials, supplies, and equipment for the proper conduct of the municipality's business, provided that all purchases shall be made in accordance with policies, practices, and procedures established by the board;

(d) Prepare and submit the annual budget and capital program to the board for its adoption by ordinance;

(e) Any other duties as may be required by resolution of the board.

(3) The town administrator shall receive such compensation as the board shall from time to time direct. (2000 Code, § 1-201)

**1-202. Administrator to be bonded.** The administrator shall be an adult capable of being bonded and shall be selected by majority vote of the board of mayor and aldermen of the Town of Pittman Center. (2000 Code, § 1-202)

**1-203. Bond amount.** The administrator may be bonded in such a sum as may be fixed by and with such surety as may be acceptable to the board of mayor and aldermen. (2000 Code, § 1-203)

## CHAPTER 3

### CODE OF ETHICS

#### SECTION

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

**1-301. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (2000 Code, § 4-201)

**1-302. Definition of "personal interest".** (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. (2000 Code, § 4-202)

**1-303. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse themselves from voting on the measure. (2000 Code, § 4-203)

**1-304. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (2000 Code, § 4-204)

**1-305. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (2000 Code, § 4-205)

**1-306. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (2000 Code, § 4-206)

**1-307. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (2000 Code, § 4-207)

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

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (2000 Code, § 4-208)

**1-309. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (2000 Code, § 4-209)

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

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (2000 Code, § 4-210)

**1-311. Violations and penalty.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (2000 Code, § 4-211)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

**CHAPTER**

**1. DESIGN REVIEW COMMISSION.**

**CHAPTER 1**

**DESIGN REVIEW COMMISSION**

**SECTION**

2-101. Design review commission established.

2-102. Members.

**2-101. Design review commission established.** There is hereby established a Design Review Commission for the Town of Pittman Center, Tennessee. (2000 Code, § 2-101)

**2-102. Members.** The members of the Planning Commission of the Town of Pittman Center shall serve as the design review commission. (2000 Code, § 2-102)

**TITLE 3**

**MUNICIPAL COURT<sup>1</sup>**

**CHAPTER**

1. TOWN JUDGE.
2. COURT ADMINISTRATION.

**CHAPTER 1**

**TOWN JUDGE**

**SECTION**

- 3-101. Town judge.
- 3-102. Jurisdiction.

**3-101. Town judge.** The officer designated by the charter to handle judicial matters within the town shall preside over the town court and shall be known as the town judge.

**3-102. Jurisdiction.** The town 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 under the general penalty provision of this code.

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<sup>1</sup>Charter references

Town judge--City Court: § 6-4-301.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

3-203. Disposition and report of penalties and costs.

3-204. Contempt of court.

**3-201. Maintenance of docket.** The town 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; penalties and costs imposed and whether collected; and all other information which may be relevant.

**3-202. Imposition of penalties and costs.** All penalties and costs shall be imposed by the town judge and recorded by the court clerk on the town court docket in open court.

In all cases heard and determined by him, the town judge shall impose court costs in the amount of one hundred forty-five dollars and seventy-five cents (\$145.75). One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

In addition, pursuant to authority granted in *Tennessee Code Annotated*, § 67-4-601, the court shall levy a local litigation tax in the amount of thirteen dollars and seventy-five cents (\$13.75) in all cases on which state litigation tax is levied.

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

**3-204. Contempt of court.** Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

**TITLE 4****MUNICIPAL PERSONNEL****CHAPTER****1. TRAVEL REIMBURSEMENT REGULATIONS.****CHAPTER 1****TRAVEL REIMBURSEMENT REGULATIONS****SECTION**

- 4-101. Enforcement.
- 4-102. Travel policy.
- 4-103. Travel reimbursement rate schedule.
- 4-104. Administrative procedures.

**4-101. Enforcement.** The Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (2000 Code, § 4-101)

**4-102. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must

immediately reimburse the town. It will be the responsibility of the CAO 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 CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't 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 call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances. (2000 Code, § 4-102, modified)

**4-103. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the state 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. (2000 Code, § 4-103)

**4-104. Administrative procedures.** The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the town recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (2000 Code, § 4-104)

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

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. HOTEL/MOTEL TAX.
4. PURCHASES.
5. DEBT POLICY.

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

- 5-101. Official depositories.  
5-102. Fiscal year.

**5-101. Official depositories.** Any bank that meets the requirements of *Tennessee Code Annotated*, § 6-56-110 may be used as an official depository.

**5-102. Fiscal year.** The fiscal year of the Town of Pittman Center shall begin on the first day of July and end on the 30th day of the following June of each year. (2000 Code, § 5-102)

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<sup>1</sup>Charter references

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

## CHAPTER 2

### REAL PROPERTY TAXES

#### SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

**5-201. When due and payable.**<sup>1</sup> Taxes levied by the town against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied. (2000 Code, § 5-201)

**5-202. When delinquent--penalty and interest.**<sup>2</sup> All real property taxes shall become delinquent on and after the first day of March after they become due and payable. If not paid such taxes become delinquent on the first day of March following the date they are due and payable. To all delinquent property taxes a penalty of one-half of one percent (.5%) and interest of one percent (1%) shall be added on the delinquency date and on the first day of each succeeding month until paid.<sup>3</sup> (2000 Code, § 5-202)

<sup>1</sup>State law references

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

<sup>2</sup>Charter and state law reference

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

<sup>3</sup>Charter and state law references

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

- (1) Under the provisions of its charter for the collection of delinquent property taxes.

(continued...)

## CHAPTER 3

### HOTEL/MOTEL TAX

#### SECTION

- 5-301. Definitions.
- 5-302. Levy of tax.
- 5-303. Tax added to room invoice.
- 5-304. Remittance to the municipality.
- 5-305. Offer to absorb tax prohibited.
- 5-306. Penalties and interest for delinquency.
- 5-307. Records.
- 5-308. Administration.
- 5-309. Tax levied in accordance with law.
- 5-310. Expending and distributing tax.
- 5-311. Tax is additional tax.

**5-301. Definitions.** As used in this chapter unless the 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. Nothing in this definition shall be construed to imply that consideration is charged when the room, lodging, space or accommodation 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 space, or any portion thereof, 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, tourist cabin, motel, residence, or any place in which rooms, lodgings, accommodations or spaces are furnished to transients for a consideration.

(3) "Municipality" means the Town of Pittman Center.

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

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

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(...continued)

- (2) Under *Tennessee Code Annotated*, §§ 6-55-201--6-55-206.
- (3) By the county trustee under *Tennessee Code Annotated*, § 67-5-2005.

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

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, spaces or accommodations in a hotel for a period of less than thirty (30) continuous days. (2000 Code, § 5-301, modified)

**5-302. Levy of tax.** There is hereby levied a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of three percent (3%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected and distributed as provided in this chapter.

Those persons acting as representatives of, engaged in duties in conjunction with, and acting under the auspices of those organizations having valid certificates of exemption issued by the Commissioner of the Tennessee Department of Revenue as provided for in *Tennessee Code Annotated*, § 67-6-322(a)(1) and those religious institutions which have received a determination of exemption from the Internal Revenue Service under 501(c)(3) of the *Internal Revenue Code* (26 U.S.C. 501(c)(3)) and are currently operating under it, are exempt from the provisions of this chapter provided that proof of the existence of such certification of exemption or determination of exemption is presented to the operator prior to submittal of the invoice to the transient for payment. A copy of such proof shall be submitted to the municipality as part of the required monthly tax return. (2000 Code, § 5-302)

**5-303. Tax added to room invoice.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the municipality.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the municipality. (2000 Code, § 5-303)

**5-304. Remittance to the municipality.** (1) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels to the municipality, to be remitted not later than the twentieth (20th) day of each month next following collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such 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 municipality entitled to such tax shall be that of the operator.

(2) For the purpose of compensating the operator in accounting for and remitting the tax levied by this chapter, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the municipality in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment. (2000 Code, § 5-304)

**5-305. Offer to absorb tax prohibited.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded. (2000 Code, § 5-305)

**5-306. Penalties and interest for delinquency.** Taxes collected by an operator which are not remitted to the municipality on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of one percent (1%) per month, for each month or fraction thereof such taxes are delinquent. Such interest shall become a part of the tax herein required to be remitted. Each occurrence or 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). The fine levied by this chapter shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the municipality. (2000 Code, § 5-306)

**5-307. Records.** It is the duty of every operator liable for the collection and payment to the municipality of any tax imposed by this chapter to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable for whose collection and payment to the municipality such operator may have been liable, which records the municipality shall have the right to inspect at all reasonable times. (2000 Code, § 5-307)

**5-308. Administration.** In administering and enforcing the provisions of this chapter the municipality has as additional powers, those powers and duties with respect to collecting taxes as provided in title 67 of *Tennessee Code Annotated* or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in *Tennessee Code Annotated*, § 67-1-911. It is the intent of this chapter 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; provided, the municipality shall possess those powers

and duties as provided in *Tennessee Code Annotated*, § 67-1-707, with respect to adjustment and settlement with taxpayers of all errors of taxes collected under the authority of this chapter and to direct the refunding of same. Notice of any tax paid under protest shall be given to the municipality and suit for recovery shall be brought against it. (2000 Code, § 5-308)

**5-309. Tax levied in accordance with law.** The tax levied pursuant to the provisions of this chapter shall only apply in accordance with the provisions of *Tennessee Code Annotated*, § 67-4-1425. (2000 Code, § 5-309)

**5-310. Expending and distributing tax.** The proceeds from the tax levied by this chapter shall be retained by the municipality and distributed into the general fund for public projects and expenses for the benefit of the residents and tourists of the municipality. Proceeds of this tax may not be used to provide a subsidy in any form to any hotel. (2000 Code, § 5-310)

**5-311. Tax is additional tax.** The tax levied by this chapter shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied. (2000 Code, § 5-311)

## CHAPTER 4

### PURCHASES

#### SECTION

5-401. Purchases by town administrator.

5-402. When competitive bids required.

**5-401. Purchases by town administrator.** Any purchase by the Town of Pittman Center, Tennessee of ten thousand dollars (\$10,000.00) or less may be approved by the town administrator. (2000 Code, § 5-401, as amended by Ord. #245, Sept. 2012)

**5-402. When competitive bids required.** Any purchase over twenty-five thousand dollars (\$25,000.00) must be let out for bid and the bid of the lowest most responsible bidder being approved by the town administrator, however, any reward to a single bidder or to other than low bidder shall be approved by the mayor and board of aldermen. At least three (3) written quotes are required, whenever possible, for purchases costing less than the town's competitive bid threshold of twenty-five thousand dollars (\$25,000.00) but more than forty percent (40%) of such threshold. (2000 Code, § 5-402, as amended by Ord. #245, Sept. 2012, and Ord. #319, August 2022 *Ch1\_08-18-22*)

## CHAPTER 5

### DEBT POLICY<sup>1</sup>

#### SECTION

- 5-501. Purpose.
- 5-502. Definition of debt.
- 5-503. Approval of debt.
- 5-504. Transparency.
- 5-505. Roles of debt.
- 5-506. Types and limits of debt.
- 5-507. Use of variable rate debt.
- 5-508. Use of derivatives.
- 5-509. Costs of debt.
- 5-510. Refinancing outstanding debt.
- 5-511. Professional services.
- 5-512. Conflicts.
- 5-513. Review of policy.
- 5-514. Compliance.

**5-501. Purpose.** The purpose of this debt policy is to establish a set of parameters by which debt obligations will be undertaken by the Town of Pittman Center, Tennessee. This policy reinforces the commitment of the town and its officials to manage the financial affairs of the town so as to minimize risk, avoid conflicts of interest and ensure transparency while still meeting the capital needs of the town. A debt management policy signals to the public and the rating agencies that the town is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Tennessee regarding the adoption of a debt management policy.

The goal of this policy is to assist decision makers in planning, issuing and managing debt obligations by providing clear direction as to the steps, substance and outcomes desired. In addition, greater stability over the long-term will be generated by the use of consistent guidelines in issuing debt. (Ord. #241, June 2012)

**5-502. Definition of debt.** All obligations of the town to repay, with or without interest, in installments and/or at a later date, some amount of money

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<sup>1</sup>State law references

*Tennessee Code Annotated*, title 7, chapter 51 - Contracts, Leases, and Lease Purchase Agreements.

*Tennessee Code Annotated*, title 9, chapter 21, Local Government Public Obligations Law.

utilized for the purchase, construction, or operation of town resources. This includes but is not limited to notes, bond issues, capital leases, and loans of any type. (Ord. #241, June 2012)

**5-503. Approval of debt.** 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 council 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 town council; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (Ord. #241, June 2012)

**5-504. Transparency.** (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 newspapers and bulletin boards

(3) All costs (including principal, interest, issuance, continuing, and one-time) shall be clearly presented and disclosed to the citizens, town council, and other stakeholders in a timely manner.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens/members, town council, and other stakeholders in a timely manner.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, town council, and other stakeholders in a timely manner. (Ord. #241, June 2012)

**5-505. Role of debt.** (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 process or 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 borrowings 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. (Ord. #241, June 2012)

**5-506. Types and limits of debt.** (1) The town's total outstanding debt obligation will be monitored and reported to the town council by the town manager. The town manager shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The town manager shall also report to the town council any matter that adversely affects the credit or financial integrity of the town.

(2) The town is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law. The town will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(3) 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 must be thoroughly discussed in a public meeting and the mayor and governing body must determine such use is justified and in the best interest of the town.

(4) The town may use capital leases to finance short-term projects.

(5) Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The town may use its general obligation pledge with revenue bond issues when the populations served by the revenue bond projects overlap or significantly are the same as the property tax base of the town.

(6) The town council and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the town's general fund. (Ord. #241, June 2012, modified)

**5-507. Use of variable rate debt.** (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 will implement steps to mitigate these risks; including:

(a) The town will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

(b) Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the town council shall be informed of the potential affect on rates as well as any additional costs that might be incurred should the insurance fail.

(c) Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the town council shall be informed

of the potential affect on rates as well as any additional costs that might be incurred should the letter of credit fail.

(d) Prior to entering into any variable rate debt obligation, the town council will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.

(e) The town shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any variable rate debt obligation. (Ord. #241, June 2012)

**5-508. Use of derivatives.** (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 town council; and

(b) The town council 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. (Ord. #241, June 2012)

**5-509. Costs of debt.** (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 town council in accordance with the notice requirements stated above.

(2) In cases of variable interest or 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). (Ord. #241, June 2012)

**5-510. Refinancing outstanding debt.** (1) The town will refund debt when it is in the best financial interest of the town to do so, and the chief financial officer shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.

(2) The chief financial officer will consider the following issues when analyzing possible refunding opportunities:

(a) Onerous restrictions - Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) Restructuring for economic purposes - The town will refund debt when it is in the best financial interest of the town to do so. Such refunding may include 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 chief financial officer if the refunding generates positive present value savings, and the chief financial officer must establish a minimum present value savings threshold for any refinancing.

(c) Term of refunding issues - The town will refund bonds within the term of the originally issued debt. However, the chief financial officer may consider maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The chief financial officer may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

(d) Escrow structuring - The town shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the town from its own account.

(3) Arbitrage - The town shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. (Ord. #241, June 2012)

**5-511. Professional services.** 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) Counsel. The town shall enter into an engagement letter agreement with each lawyer or law firm representing the town in a debt transaction.

(2) Financial advisor. 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 sale 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 or broker any other debt transactions for the town.

(3) **Underwriter.** The town shall require the underwriter to clearly identify itself in writing 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 entity. 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 mayor and board of aldermen in advance of the pricing of the debt. (Ord. #241, June 2012)

**5-512. Conflicts.** (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, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, counterparty, and remarketing agent), 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. (Ord. #241, June 2012)

**5-513. Review of policy.** This policy shall be reviewed at least annually by the town council 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 opportunity for public input. (Ord. #241, June 2012)

**5-514. Compliance.** The town administrator is responsible for ensuring compliance with this policy. (Ord. #241, June 2012, modified)

**TITLE 6**

**LAW ENFORCEMENT**

**CHAPTER**

**1. POLICE AND ARREST.**

**CHAPTER 1**

**POLICE AND ARREST**

**SECTION**

6-101. Police department.

**6-101. Police department.** The board of mayor and aldermen shall employ one (1) or more police officer(s) which shall constitute the police department for the Town of Pittman Center. The department shall consist of a police chief and such other officers as the town may from time to time determine. (2000 Code, § 6-101)

## TITLE 7

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

#### CHAPTER

1. FIRE CODE.
2. FIREWORKS.
3. RECREATIONAL FIRES.

#### CHAPTER 1

#### FIRE CODE

#### SECTION

- 7-101. Fire codes adopted.  
7-102. Violations and penalty.

**7-101. Fire codes adopted.** The *International Fire Code*,<sup>2</sup> 2018 edition, and the 2018 *NFPA 101 Life Safety Code*<sup>3</sup> are hereby adopted by reference as though copied herein verbatim. (Ord. #289, July 2019)

**7-102. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference. Each day shall constitute a separate violation of same. Upon conviction of any said violation, such persons shall be punished by levying a civil penalty not to exceed fifty dollars (\$50.00) per violation. (Ord. #289, July 2019)

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<sup>1</sup>Municipal code reference

Building, utility, residential, and fire codes: title 12.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<sup>3</sup>Copies of this code (and any amendments) may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

## CHAPTER 2

### FIREWORKS

#### SECTION

- 7-201. Definitions.
- 7-202. Sale of fireworks prohibited.
- 7-203. Permit for supervised family display.
- 7-204. Restrictions.
- 7-205. Exceptions.
- 7-206. Seizure.
- 7-207. Violations and penalty.

**7-201. Definitions.** The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include any fireworks containing any explosive or other device containing any explosive or flammable compound, except that the term "fireworks" shall not include any sparkler, model rockets, or model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models events, toy pistols, toy canes, toy guns or other devices in which paper and/or plastic and/or metal caps manufactured with the specific limitation of an average twenty-five hundredths of a grain of explosive content per cap, the sale and use of which shall be permitted at all times. Each package containing said caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. (2000 Code, § 7-201)

**7-202. Sale of fireworks prohibited.** The sale of fireworks within the corporate limits of the Town of Pittman Center is hereby prohibited except those items excepted in § 7-201. (2000 Code, § 7-202)

**7-203. Permit for supervised family display.** A permit shall be required for supervised family displays of fireworks. Before any permit for pyrotechnic display shall be issued, the person/family making application therefor shall furnish to the town administrator the name of the person/family sponsoring the display as well as the names of responsible adult(s) actually in charge of the firing of the display; the date and time of day at which the display is to be held; the exact location planned for the display; a description setting forth age (must be adult), experience, and physical characteristics of the persons who are to do the actual discharging of the fireworks; the number and kinds of fireworks to be discharged; the manner and place of storage of such fireworks prior to display; and a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all

buildings, highways, and other lines of communication, the lines behind which the spectators will be restrained, the location of all nearby trees, power lines, telephone lines or other overhead obstructions. This application for permit must be filed at least one (1) day prior to the date of display and the cost of the permit will be five dollars (\$5.00). All displays must be set up in accordance with NFPA Regulation 494L, Conduct of Display. (2000 Code, § 7-203)

**7-204. Restrictions.** Displays permitted in this chapter shall be restricted such that no fireworks shall be displayed or discharged in another person's yard or over the Middle Prong of the Little Pigeon River. No fireworks display shall take place later than 10:00 P.M. with the exception of New Year's Eve. (2000 Code, § 7-204)

**7-205. Exceptions.** Nothing in this chapter shall be construed to prohibit the use of fireworks by transportation firms or agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the use of fireworks for agricultural purposes under conditions approved by local authorities.

Revocation of permits will be determined by the fire chief or the chief of police determinate upon hazardous weather conditions. (2000 Code, § 7-205)

**7-206. Seizure.** The town administrator or the chief of police shall seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. Any person, firm, co-partnership, corporation, or organization violating this chapter shall be cited to town court. (2000 Code, § 7-206)

**7-207. Violations and penalty.** Any person, partnership or corporation violating the terms of this chapter shall be assessed a fine not greater than the sum of fifty dollars (\$50.00) per day. Each day of the violation of this chapter shall constitute a separate and distinct offense. (2000 Code, § 7-207)

## CHAPTER 3

### RECREATIONAL FIRES

#### SECTION

7-301. Definition.

7-302. Fire safety requirements.

7-303. Prohibited burning.

**7-301. Definition.** The definition of a recreational fire is, "an outdoor fire, burning appropriate materials for pleasure, religious, ceremonial, cooking, warmth, or similar purposes where the fuel burned is not contained in an incinerator, outdoor fireplace, barbeque grill, or barbeque pit, and has a total fuel area of three feet (3') or less in diameter and two feet (2') or less in height." Recreational fires larger than these dimensions (bonfires) should require a permit and follow additional guidelines. NOTE: A fire prevention code permit is not required for a recreational fire. (Ord. #239, June 2011)

**7-302. Fire safety requirements.** Fire safety requirements are outlined as follows:

(1) Location. Recreational fires shall not be conducted within twenty feet (20') of a structure or combustible material (trees, vegetation, etc.). Conditions which could cause a fire to spread within twenty feet (20') of a structure shall be eliminated prior to ignition.

(2) Attendance. Recreational fires shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment such as dirt, sand, a water barrel, a garden hose, or a water truck shall be available for immediate utilization.

(3) Allowable fuels. Only seasoned dry firewood or similar clean burning materials shall be permitted as fuel for recreational fires. Land-clearing waste and/or refuse shall not be used as fuel for a recreational fire.

(4) Fuel quantity limitation. A recreational fire shall have a total fuel area no greater than three feet (3') in diameter and two feet (2') in height.

(5) Extinguishment. Any person who builds a fire in the open air, or uses a fire built by another person in the open air, within one hundred fifty feet (150') of any woodland, brushland, or field containing dry grass or other flammable material, shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

(6) Precautions. It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire

to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.

(7) Neighboring property. No person shall kindle nor authorize to be kindled nor maintain any recreational fire in such a manner that will endanger the property of another. No recreational fires shall be built within twenty-five feet (25') of neighboring property lines or within twenty-five feet (25') of a public roadway. Fires should not hinder the health or quality of life of neighbors.

(8) Hazardous materials. Combustible and flammable liquids shall not be used to aid the ignition of any recreational fire. Furthermore, the application, dispensing, or use of a combustible or flammable liquid, or any other hazardous material, upon or into the fuel used in any open burning operation, including a controlled burn, bonfire, or recreational fire, shall be considered an unauthorized release of a hazardous material and is strictly prohibited.

(9) Environmental conditions--high winds. No recreational fires shall be built on days with winds above eight (8) miles per hour, during periods of burning bans, or when a high wind warning is in effect. (Ord. #239, June 2011)

**7-303. Prohibited burning.** Prohibited burning is described as follows:

(1) Hazardous situations. In accordance with the fire prevention code, the fire marshal may order the extinguishment of a recreational fire because of one (1) or more of the following hazardous situations:

- (a) Unattended fires;
- (b) Unprotected/uncontained fires deemed capable of spreading;
- (c) Inadequate fire extinguishing equipment/materials;
- (d) Combustible exposure hazards;
- (e) Inappropriate or hazardous materials used as fuel; and
- (f) Air contaminants, smoke, or other materials which may cause a traffic hazard.

(2) Air quality/air pollution alert. No recreational fires shall be built between the hours of 10:00 A.M. - 4:00 P.M. on Stage I Air Alert days, when the Air Quality Index (AQI) is Code Orange, 101 or above. (This information can be found at [www.airnow.gov](http://www.airnow.gov) or through local weather stations.) An air quality alert is issued when a Code Orange or above is forecasted or is occurring for either ozone or particulate matter. A burning ban or ozone alert supersedes all other regulations that may otherwise allow for open burning. The burning bans are authorized through the Sevier County Fire Department and/or the Tennessee Division of Natural Resources (or other agencies) when atmospheric conditions or local circumstances make burning hazardous.

(3) High winds. Recreational burning may be banned during long periods of drought or during high wind conditions. The fire department or local safety officer will issue announcements if a burning ban becomes necessary.

(4) Refuse. The burning of refuse shall be prohibited. "Refuse" shall mean and include garbage, rubbish, and trade waste defined as follows:

(a) Garbage shall mean animal and vegetable matter such as that originating in houses, kitchens, restaurants, hotels, produce markets, food service or processing establishments, greenhouses, and hospitals, clinics, or veterinary facilities.

(b) Rubbish shall mean solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, excelsior, paper, ashes, furniture, metal food containers, glass, crockery, masonry, and other similar materials.

(c) Trade waste shall mean all solid or liquid material resulting from construction, building operations, or the prosecution of any business, trade, or industry such as, but not limited to, plastic products, cinders, and other forms of solid or liquid waste materials.

(5) Materials producing dense smoke. The burning of tires, asphaltic materials, automobile bodies, used crankcase oil, impregnated wood or similar materials which produce dense smoke shall be prohibited. (Ord. #239, June 2011, modified)

**TITLE 8**

**ALCOHOLIC BEVERAGES**

**CHAPTER**

**1. BEER.**

**CHAPTER 1**

**BEER**

**SECTION**

8-101. Prohibited generally.

**8-101. Prohibited generally.** Except as authorized by applicable laws, and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any beer within this town. "Beer" shall be defined to include all beers, ales, or malt liquor as defined in *Tennessee Code Annotated*, § 57-5-101.

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.**<sup>1</sup>**CHAPTER**

1. MISCELLANEOUS.
2. SOLICITATION.
3. CABLE TELEVISION.

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

- 9-101. Rental of flotation devices unlawful.  
9-102. Roadside vending unlawful.  
9-103. Amusement rides unlawful.

**9-101. Rental of flotation devices unlawful.** (1) It shall be unlawful for any person, firm or corporation to engage in the commercial activity in the Town of Pittman Center of renting or otherwise providing inner tubes, inflated rafts or other floating devices for the intended use by swimmers or others for floating on any portion of any river, creek or other watercourse in the Town of Pittman Center.

(2) Each person, firm or corporation advertising or otherwise holding themselves out to provide, for a consideration, inner tubes, inflated rafts or other flotation devices in the Town of Pittman Center for these purposes, and each person, firm or corporation (whether acting for themselves or for any other party) who, for a consideration, engages in renting or otherwise providing inner tubes, inflated rafts or other flotation devices for these purposes, shall be guilty of a civil offense. Upon conviction the violator shall be fined a sum not to exceed fifty dollars (\$50.00). Each day of the violation of this section shall constitute a separate and distinct offense. (2000 Code, § 9-101, modified)

**9-102. Roadside vending unlawful.** (1) No person outside a permanent building shall sell or offer to sell in any manner food produce, goods, wares, merchandise, services or anything of value alongside town streets, roadways or highways inside the town.

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<sup>1</sup>Municipal code references

Building, plumbing, wiring and residential: title 12.

Noise reduction: title 11.

Zoning: title 14.

(2) Any person in violation of this section shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 9-102, modified)

**9-103. Amusement rides unlawful.** (1) It shall be unlawful for any person or entity to have or operate any ferris wheel, merry-go-round, go-cart, roller coaster, bumper-car, flume ride, airplane ride, train ride or any similar amusement ride such as those used at fairs, midways, carnivals, amusement parks and theme parks when any portion of such equipment or ride is located within the town limits.

(2) Any person or entity violating this section shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 9-103, modified)

## CHAPTER 2

### SOLICITATION

#### SECTION

9-201. Solicitation on public streets.

9-202. Door to door solicitation for sales.

9-203. Violations and penalty.

**9-201. Solicitation on public streets.** (1) All solicitations on the public streets from persons in motorized and non-motorized vehicles are prohibited, except at the following intersection within the town: The intersection of Highway 321, Old Hills Creek Road, and Greenbriar entrance to Great Smoky Mountain National Park.

(2) The following procedures shall be strictly adhered to by solicitors approved to solicit at the above location:

(a) "Roadblocks" for solicitations shall be permitted only on three (3) consecutive days of any week, and shall not begin until one (1) hour after daylight and shall end one (1) hour before dark.

(b) All of the outer clothing of every person soliciting contributions shall be brightly colored.

(c) Persons making solicitations shall position themselves in places and in a manner where they do not block or impede the flow of traffic. In no event shall they stand in the intersection itself, but only on the centerline of the highway or on the side of the highway and roads that feed into the intersection on the portion of the highway and roads immediately outside the intersection.

(d) No person shall solicit contributions on the public streets without first obtaining a permit from the town recorder. The town recorder shall issue permits only to organizations that have a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or which qualify as nonprofit tax-exempt organization under the laws of the State of Tennessee or similar laws of another state.

(e) The town recorder shall issue a permit upon his or her finding that:

(i) All the statements made in the application for a permit are true.

(ii) The solicitation will not be fraud upon the public.

(iii) The solicitation is not being conducted for private profit.

(f) The Town of Pittman Center shall issue no more than six (6) street solicitation permits in any one (1) calendar year.

(g) Only one (1) permit shall be issued to the organization. However, the permit shall be present at the site of the solicitation at all times while solicitations are occurring. The permit shall be shown to any police officer of the town upon the officer's request.

(3) An application for a permit to solicit shall be made by an agent of the organization requesting the permit to the town recorder on forms provided by the town. The application shall be made and sworn to at least ten (10) days prior to the date/s on which the solicitation is to occur. The application shall include the following information:

(a) The name, address and headquarters of the organization applying for the permit, and the name and address of the agent of the organization actually making application for the permit.

(b) A copy of a resolution, letter, or other document showing on its face that the solicitation has been authorized by the organization, and that the agent of the organization applying for the permit is authorized to make the application for the permit.

(c) A copy of the 501(c)(3) exemption or other documentary evidence that the organization is a nonprofit tax-exempt organization under the laws of the State of Tennessee or similar laws of other states.

(d) The purpose for which the solicitation is to be made.

(e) The names and addresses of the person/persons who will actually be in charge of the solicitation at the scene of the solicitation.

(f) The times and locations at which the solicitation will be made.

(g) Any other information reasonably required by the town recorder to insure that the applicant for the permit complies with the provisions of this chapter.

(4) Permits issued under this chapter shall be in essentially the following form:

**STREET SOLICITATION PERMIT**

Permit Number: \_\_\_\_\_

Date: \_\_\_\_\_

The \_\_\_\_\_ (name of organization), is hereby authorized to solicit under the provision of § 9-201 of the Pittman Center Municipal Code, adopted on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The issuance of this permit does not constitute an endorsement by the Town of Pittman Center or by any of its departments, officers or employees of the purpose or person/s conducting this solicitation.

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(Recorder)

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(Agent of Soliciting Organization)

(5) Appeal of denial of permit. Within five (5) days after receiving notification by registered mail that an organization's application for a permit has been denied, the authorized agent of the organization may file a written request for a public hearing on the denial before the board of mayor and aldermen. Upon the filing of an appeal, the board of mayor and aldermen shall fix a time and a place for the hearing. The hearing shall be held within ten (10) days after the request is filed. At the hearing, the agent of the organization, or any other interested person, may present evidence in support of or against the application. Within ten (10) days after the hearing, the board of mayor and aldermen shall either grant or deny the permit. A copy of the board's decision shall be sent by registered mail to the agent of the organization which made application for the permit.

(6) Permit fee. There shall be a permit application fee of fifty dollars (\$50.00). (2000 Code, § 9-201, modified)

**9-202. Door to door solicitation for sales.** (1) No person shall solicit or attempt to sell, peddle, hawk or vend goods, wares, merchandise, services or anything of value to occupants of private residences, motel rooms, apartment buildings, overnight rental units or camping vehicles, and no person shall go upon such premises or approach occupants of such premises for the purpose of soliciting orders for the sale of goods, wares, merchandise, services or anything of value or for the purpose of disposing of or peddling or hawking the same, provided the occupants have not previously invited or requested such visitations.

(2) Any person in violation of this section shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 9-202, modified)

**9-203. Violations and penalty.** In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

## CHAPTER 3

### CABLE TELEVISION

#### SECTION

9-301. Federal regulations adopted.

9-302. Franchising authority.

9-303. Violation and penalty.

**9-301. Federal regulations adopted.** Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the town to regulate basic cable television service within the boundaries of the town and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the town, the regulations contained in title 47 of the *Code of Federal Regulations*, part 76, subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (2000 Code, § 9-301)

**9-302. Franchising authority.** Whenever the regulations cited in § 9-301 refer to "franchising authority," it shall be deemed to be a reference to the governing body of the town. (2000 Code, § 9-302)

**9-303. Violation and penalty.** Any violation of this chapter shall subject the offender to a penalty up to fifty dollars (\$50.00) for each offense. Each day the violation shall continue shall constitute a separate offense. (2000 Code, § 9-303, modified)

**TITLE 10****ANIMAL CONTROL****CHAPTER**

1. LIVESTOCK AND FARM ANIMALS.
2. DOGS AND CATS.
3. EXOTIC ANIMALS.

**CHAPTER 1****LIVESTOCK AND FARM ANIMALS****SECTION**

- 10-101. Definition.
- 10-102. Livestock prohibited under certain circumstances.
- 10-103. Violations and penalty.

**10-101. Definition.** Livestock and farm animals for the purposes of this chapter are defined as cattle, goats, kids, hogs, sheep, horses, poultry, donkeys and mules, and other livestock or farm animals. (2000 Code, § 10-101)

**10-102. Livestock prohibited under certain circumstances.** No livestock or farm animals shall be kept or maintained by any person, partnership, corporation, or other entity within two hundred feet (200') of any residence belonging to any other person, partnership, corporation, or other entity. (2000 Code, § 10-102)

**10-103. Violations and penalty.** Any person, partnership or corporation violating the terms of this chapter shall be assessed a civil penalty not greater than the sum of fifty dollars (\$50.00) per day. Each day of a violation of this chapter shall constitute a separate and distinct offense. (2000 Code, § 10-103)

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Definitions.
- 10-202. Owner responsibility.
- 10-203. Injury to property.
- 10-204. Manner of keeping.
- 10-205. Dogs and cats running at large.
- 10-206. Keeping barking dogs and crying cats.
- 10-207. Rabies and animal bites.
- 10-208. Violations and penalty.

**10-201. Definitions.** As used in this chapter the following terms mean:

- (1) "Animal." For the purpose of this chapter, animal shall mean dog or cat.
- (2) "Animal control authority." The person or persons designated to enforce this chapter.
- (3) "Animal shelter." Facility designated or recognized by the Town of Pittman Center for the purpose of impounding and caring for animals.
- (4) "At large." A dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.
- (5) "Humane manner." Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.
- (6) "Nuisance." A dog or cat shall be considered a public nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noisemaking; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals.
- (7) "Owner." A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.
- (8) "Restraint." A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead and under the control of a responsible person.
- (9) "Vicious animal." A dog or cat that constitutes a physical threat to humans or other domestic animals. (2000 Code, § 10-201)

**10-202. Owner responsibility.** (1) All dogs and cats shall be kept under restraint.

(2) Every vicious dog or cat, as determined by the Town of Pittman Center shall be confined by its owner within a building or secure enclosure and shall be secured muzzled or caged whenever off the premises of its owner.

(3) No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this chapter. (2000 Code, § 10-202)

**10-203. Injury to property.** (1) Injury to property. It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(2) Waste products accumulations. It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This chapter shall not apply to a person who is visually or physically handicapped. (2000 Code, § 10-203)

**10-204. Manner of keeping.** (1) Pens, yards, and runs. All pens, yards and runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(2) Fences. Fences which are intended as enclosures for any animal shall be securely constructed and shall not be allowed to become unsightly. (2000 Code, § 10-204)

**10-205. Dogs and cats running at large.** (1) Prohibition. It shall be unlawful for any person owning or possessing any dog or cat to permit the same to run at large. For the purpose of this section, "running at large" shall be defined to be the presence of a dog or cat at any place except upon the premises of the owner.

A dog or cat shall not be considered to be running at large if it is on a leash and under the control of a person physically able to control it.

No dog or cat shall be permitted in any cemetery. No dog or cat shall be allowed in any parks, beaches or any swimming areas open to the public in the town.

(2) Impounding dogs and cats. Whenever any police officer or other person designated by the chief of police shall find any dog or cat running at large as defined in this chapter, he shall, if possible, pick up and impound such animal in such place as the chief of police may direct.

Whenever any impounded dog or cat shall bear an identification mark such as a collar or tag, the owner shall be notified forthwith. Any dog impounded shall be held for a period of seven (7) days. There shall be no required holding period before returning any impounded cat to the owner unless such cat is suspected of having rabies, in which case the impounded cat shall be held for a period of seven (7) days. At the end of seven (7) days the impounded dog or cat shall be disposed of unless the owner thereof shall reclaim such dog or cat and pay at the police department the reasonable cost of keeping such dog or cat and an impounding fee of ten dollars (\$10.00) for the first impounding and of fifteen dollars (\$15.00) and twenty-five dollars (\$25.00) for the second and third impounding, respectively, in one (1) year. The destruction of any impounded dogs or cats by the police officer or any person designated by the chief of police under the provisions of this chapter shall be by means prescribed by the Sevier Animal Care Center. (2000 Code, § 10-205, modified)

**10-206. Keeping barking dogs and crying cats.** (1) Harboring. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs or cats are hereby declared to be a public nuisance.

(2) Petitions complaining of vicious or barking dogs or crying cats. Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the town, the police department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying.

If the warning given to the person alleged to be keeping a dog or cat as set forth above is ineffective, then a verified complaint of at least two citizens not from the same family may be presented to the police department, alleging that a vicious dog or a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls is being kept by any person within the town. The police department shall inform the owner of such dog or cat that said petition has been received and shall cite the owner of the dog or cat for the violation alleged in said petition. (2000 Code, § 10-206)

**10-207 Rabies and animal bites.** (1) Reporting. Anyone having knowledge or reason to believe that any animal in the town has bitten a person shall report within twenty-four (24) hours, so far as is known, the name and address of the owner and circumstances of the animal. Such report concerning bites shall be made to the police department.

(2) Control. Whenever any domestic animal has bitten a person, it shall be confined in such place as the police department may direct and for such period of observation as may be necessary, unless such animal is too vicious and

dangerous to be impounded safely, in which case it shall be killed and head shipped to the state laboratory for rabies examination. (2000 Code, § 10-208)

**10-208 Violations and penalty.** Failure to comply with the provisions of this chapter shall be subjected to a civil penalty of not to exceed fifty dollars (\$50.00) per day, per occurrence, plus court costs. (2000 Code, § 10-209)

## CHAPTER 3

### EXOTIC ANIMALS

#### SECTION

10-301. Keeping wild or exotic animals unlawful; exceptions.

10-302. Permits.

#### **10-301. Keeping wild or exotic animals unlawful; exceptions.**

(1) It shall be unlawful for any person, firm or corporation to keep, maintain possess or have under their control within the town any venomous reptile or any other wild or exotic animal.

(2) A wild or exotic animal shall be defined as one which would ordinarily be confined to a zoo, or one would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or significant destruction of property. Such animals are further defined as being those mammals or those non-venomous reptiles weighing over fifty (50) pounds at maturity which are known at law as "ferae naturae." Wild or exotic animals specifically do not include animals of a species customarily used in Tennessee as ordinary household pets, animals of a species customarily used in Tennessee as domestic farm animals, fish confined in an aquarium, birds, nor insects.

(3) The provisions of this chapter shall have no application to the following:

(a) A zoological park accredited by the American Association of Zoological Parks.

(b) Any veterinary establishment licensed by the state.

(c) Any laboratory facilities owned and maintained by licensed veterinary hospitals.

(d) Appropriately accredited colleges, universities or other institutions of higher learning which own, keep or maintain any such animals for educational or scientific purposes.

(e) Handicapped persons who utilize primates to assist them in their daily activities.

(f) Persons or entities maintaining such animals within the corporate limits of the town pursuant to a valid permit issued on a temporary basis by the board.

(4) The provisions of this chapter shall not apply to existing venomous reptiles or wild or exotic animals which are kept, maintained or possessed within the town on November 16, 1995, or which come under the jurisdiction of the town through annexation, if the owner or keeper thereof gives written notice to the town clerk within thirty (30) days of the time when the keeping of the animal is under the jurisdiction of the town. This notice shall include the existence, genus and species, age and location of each animal, together with the

provisions for the confining thereof, and copies of all state and federal permits which may be required. (2000 Code, § 10-301)

**10-302. Permits.** Temporary permit for keeping certain wild animals. The director of animal control may issue a temporary permit for the keeping, care and protection of injured wild animals or infant wild animals native to this area which have been deemed to be incapable of surviving without assistance. (2000 Code, § 10-302)

**TITLE 11**

**MUNICIPAL OFFENSES**

**CHAPTER**

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. MISCELLANEOUS.

**CHAPTER 1**

**ALCOHOL**

**SECTION**

- 11-101. Drinking alcoholic beverage, etc., on streets, etc.  
11-102. Definition.  
11-103. Violations and penalty.

**11-101. Drinking alcoholic beverage, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can, bottle or other container of alcoholic beverage or beer in public. (2000 Code, § 11-101)

**11-102. Definition.** A public place is defined as any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (2000 Code, § 11-102)

**11-103. Violations and penalty.** Any person violating this chapter shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 11-103)

**CHAPTER 2****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Anti-noise regulations.

**11-201. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. 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) Radios, phonographs, etc. The playing of any radio, 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 11:00 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.

(b) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so 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.

(c) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(d) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(e) 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.

(f) 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 streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and

6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(g) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(h) 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.

(i) 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.

(j) 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.

(k) Machinery, such as chainsaws, power saws, woodworking equipment, etc. The excessive, frequent, or long continued operation of any machinery as to annoy or disturb the quiet, comfort or repose of persons in any office or hospital, or any dwelling, hotel or other type of residence or any person in the vicinity.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Town vehicles. Any vehicle of the town while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) The reasonable use of amplifiers or loudspeakers in the course of public addresses. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplifier or public address system will be designated in

the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (2000 Code, § 11-201, modified)

**CHAPTER 3****MISCELLANEOUS****SECTION**

11-301. Damaging streets, etc.

11-302. Violations and penalty.

**11-301. Damaging streets, etc.** No person shall damage or destroy any portion of a town street, bridge, ditch, railing, traffic sign or other town-owned signage. (2000 Code, § 11-301)

**11-302. Violations and penalty.** Any person in violation of this chapter shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 11-302, modified)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

#### 1. CODES ADOPTED BY REFERENCE.

#### CHAPTER 1

#### CODES ADOPTED BY REFERENCE<sup>1</sup>

#### SECTION

12-101. Codes adopted by reference.

12-102. Citations in lieu of arrest in non-traffic cases.

12-103. Violations and penalty.

**12-101. Codes adopted by reference.**<sup>2,3</sup> The Town of Pittman Center Board of Mayor and Aldermen resolve that the following codes are hereby adopted by reference as though copied herein verbatim:

2018 *International Building Code* (IBC)  
 2018 *International Residential Code* (IRC)  
 2018 *International Plumbing Code* (IPC)  
 2018 *International Mechanical Code* (IMC)  
 2018 *International Energy Conservation Code* (IECC)  
 2018 *International Existing Building Code* (IEBC)  
 2018 *International Fire Code* (IFC)  
 2018 *International Fuel Gas Code* (IFGC)  
 2018 *NFPA 101 Life Safety Code*  
 ICC A117.1-2017 *Accessibility Code*

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<sup>3</sup>Copies of this code (and any amendments) may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

These codes as adopted by the International Code Council and the National Fire Protection Association shall be and hereby are adopted by reference as though copied herein verbatim subject to the following amendments:

International Residential Code:

Section N1102.4.1.2 (IECC R402.4.1.2) Testing - Shall be optional  
Section N1103.3.3 (IECC R403.2.2) Sealing - Testing requirements numbers 1 & 2 under Duct Tightness are optional

Section R313 Automatic Fire Sprinkler Systems - Is not mandatory pursuant to T.C.A. § 68-120-101 and shall not be required. (Ord. #289, July 2019)

**12-102. Citations in lieu of arrest in non-traffic cases.** Pursuant to *Tennessee Code Annotated*, § 7-63-101, *et seq.*, the board of mayor and aldermen appoints the building official in the building department as a special police officer having the authority to issue citations in lieu of arrest for all violations of municipal ordinances and municipal codes except for traffic violations.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him/her and state a specific date and place for the offender to appear and answer the charges against him/her. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with *Tennessee Code Annotated*, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (Ord. #293, Feb. 2020)

**12-103. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the codes as herein adopted by reference. Each day shall constitute a separate violation of the same. Upon conviction of any said violation, such persons shall be punished by levying a civil penalty not to exceed fifty dollars (\$50.00) per violation. (Ord. #289, July 2019)

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Unscreened waste disposal facilities.  
 13-102. Weeds, brush and grass.  
 13-103. Violations and penalty.

**13-101. Unscreened waste disposal facilities.** (1) It shall be unlawful for any person or entity to have a waste disposal facility that is unscreened and visible from any public street or from neighboring property.

(2) Any person or entity violating this section shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 13-101, modified)

**13-102. Weeds, brush and grass.** (1) It shall be unlawful for any owner of lots or tracts of land in the Town of Pittman Center to allow weeds, brush, grass, or undergrowth to grow, stand, pile up, accumulate, or remain on the premises of any yard for residence or business within the town. It shall also be unlawful to allow cans, trash, junk, scraps, unregistered motor vehicles and other such matter to accumulate or remain on lands in such manner as to become or to be a harborage or breeding grounds of mosquitos, flies, rats, mice, or insects.

(2) The town administrator shall have the authority to declare any such condition existing within the Town of Pittman Center a hazard or menace. He shall certify to the board of aldermen that such condition does exist and shall identify the lot, lots, or tract of land in question. Upon notice by the

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering around or damaging containers prohibited: § 17-113.

Littering prohibited: § 11-401.

Toilet facilities in beer places: § 8-101.

administrator, the board of aldermen may, having receiving said certification by the administrator, send a notice to the owner of the property that the condition must be corrected within ten (10) days. The notice shall be mailed to the last known address of the property owner as shown on the tax record, the board of aldermen may give notice by having a printed notice posted on the premises. In the event the condition has not been corrected on or before ten (10) days after notification, the board of aldermen shall be empowered to have the town maintenance employees effect correction of the condition that is in violation of this chapter. The town administrator shall submit to the town recorder an estimate of the cost for the town employees to correct said condition.

(3) The town recorder shall add the cost estimate for correction of any condition addressed herein which shall be submitted by the town administrator, plus a fee of ten (\$10.00) to the reality tax of the land owner and this cost and fee, in like matter as the reality tax, shall become and be a lien upon the property, collectable in the same manner and due at the same time as the reality tax for the year in which said cost and fee are assessed. (2000 Code, § 13-102)

**13-103. Violations and penalty.** Violations of this chapter 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.

## CHAPTER 2

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

**13-201. Findings of board.** Pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*, 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. (2000 Code, § 13-201)

**13-202. Definitions.** (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 Pittman Center, 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.

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, title 13, chapter 21.

(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 officers 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 *Tennessee Code Annotated*, § 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (2000 Code, § 13-202)

**13-203. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (2000 Code, § 13-203)

**13-204. 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 courts of law or equity shall not be controlling in hearings before the public officer. (2000 Code, § 13-204)

**13-205. 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 or 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 structure. (2000 Code, § 13-205)

**13-206. When public officer may repair, etc.** 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." (2000 Code, § 13-206)

**13-207. When public officer may remove or demolish.** 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. (2000 Code, § 13-207)

**13-208. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or 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 Sevier 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 recorded or duly perfected by filing, 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 (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell 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 Sevier County by the public officer, shall be secured in such 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 Pittman Center to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (2000 Code, § 13-208)

**13-209. Basis for a finding of unfitness.** 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 Pittman Center. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (2000 Code, § 13-209)

**13-210. 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 Sevier County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (2000 Code, § 13-210)

**13-211. Enjoining enforcement of orders.** 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 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. (2000 Code, § 13-211)

**13-212. Additional powers of public officer.** 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. (2000 Code, § 13-212)

**13-213. Powers conferred are supplemental.** 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 the charter and other laws. (2000 Code, § 13-213)

**13-214. Structures unfit for human habitation deemed unlawful.** 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 residents of the town.

Violations of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (2000 Code, § 13-214, modified)

**TITLE 14****ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.

**CHAPTER 1****MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

**14-101. Creation and membership.** Pursuant to the provisions of *Tennessee Code Annotated*, § 13-4-101 there is hereby created a municipal planning commission, designated also to serve as the Pittman Center Regional Planning Commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor and ratified by the board of mayor and aldermen. All members of the planning commission shall serve as such without compensation. The terms of the five (5) members appointed by the mayor shall be for four years each, excepting that in the terms of this chapter, two (2) of the five (5) members shall be appointed for terms of three (3) years, two (2) for terms of two (2) years, and one (1) for a term of one (1) year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (2000 Code, § 14-101)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (2000 Code, § 14-102)

**14-103. Additional powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions

of the state law relating to regional planning commissions. (2000 Code, § 14-104)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

14-201. Land use to be governed by zoning ordinance.

**14-201. Land use to be governed by zoning ordinance.** Land use within the Town of Pittman Center shall be governed by Ordinance #12, titled "Zoning Ordinance, Pittman Center, Tennessee," and any amendments thereto.<sup>1</sup> (2000 Code, § 14-201)

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<sup>1</sup>The Pittman Center Zoning Ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

Amendments to the zoning map are of record in the office of the recorder.

Regulations for land disturbance and vegetation removal, including permits, may be found in the recorder's office.

**CHAPTER 3****FLOOD DAMAGE PREVENTION ORDINANCE****SECTION**

14-301. Flood damage control to be governed by flood damage prevention ordinance.

**14-301. Flood damage control to be governed by flood damage prevention ordinance.** Regulations governing flood damage control within the Town of Pittman Center shall be governed by Ordinance #99, titled "Municipal Flood Damage Prevention Ordinance" and any amendments thereto.<sup>1</sup> (2000 Code, § 14-301)

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<sup>1</sup>The Pittman Center Flood Damage Prevention Ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. SPEED LIMITS.
3. ENFORCEMENT.

#### CHAPTER 1

#### MISCELLANEOUS<sup>2</sup>

#### SECTION

- 15-101. Illegal passing and weaving.
- 15-102. Disregarding stop sign.
- 15-103. Following too closely.
- 15-104. Vehicles and operators to be licensed.
- 15-105. Vehicles likely to damage streets.
- 15-106. Compliance with financial responsibility law required.
- 15-107. Adoption of state traffic statutes.

**15-101. Illegal passing and weaving.** It shall be unlawful and a violation of this section to pass in no-passing zones or to weave in and out of traffic in an unsafe manner. (2000 Code, § 15-102)

**15-102. Disregarding stop sign.** It shall be unlawful and a violation of this section to fail to come to a full and complete stop at a stop sign. (2000 Code, § 15-103)

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>State law references

Under *Tennessee Code Annotated*, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by *Tennessee Code Annotated*, § 55-10-401; failing to stop after a traffic accident, as prohibited by *Tennessee Code Annotated*, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-7-116; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

**15-103. Following too closely.** It shall be unlawful and a violation of this section to follow a vehicle too closely. (2000 Code, § 15-104)

**15-104. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988."

**15-105. Vehicles likely to damage streets.** (1) No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight, the weight of its load, or the type of its wheels or tracks, is likely to damage the surface or foundation of the street or is likely to damage a bridge.

(2) Any person in violation of this section shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

**15-106. Compliance with financial responsibility law required.**

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, 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 *Tennessee Code Annotated*, § 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 *Tennessee Code Annotated*, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. 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 *Tennessee Code Annotated*, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under *Tennessee Code Annotated*, § 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 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.

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit physical evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility, or electronic evidence pursuant to *Tennessee Code Annotated*, § 55-12-139, was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected.

**15-107. Adoption of state traffic statutes.** By the authority granted under *Tennessee Code Annotated*, § 16-18-3 02, the Town of Pittman Center adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 through 55-8-131 and §§ 55-8-133 through 55-8-180. Additionally, the Town of Pittman Center adopts *Tennessee Code Annotated*, §§ 55-4-101 through 55-4-128, §§ 55-4-130 through 55-4-133, §§ 55-4-135 through 55-4-138, §§ 55-8-181 through 55-8-191, § 55-8-193, § 55-8-199, §§ 55-9-401 through 55-9-408, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-50-351, by reference as if fully set forth in this section. (Ord. #294, Feb. 2020)

## CHAPTER 2

### SPEED LIMITS

#### SECTION

15-201. In general.

15-202. In school zones.

15-203. Violations and penalty.

**15-201. In general.** The established speed limit for all roads, except Pittman Center Road and U.S. Highway 321, shall be twenty (20) miles per hour except where official signs have been posted indicating other speed limits in which cases the posted speed limits shall apply. (2000 Code, § 15-201, modified)

**15-202. In school zones.** Pursuant to *Tennessee Code Annotated*, § 55-8-152, the town shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding twenty (20) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) 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. (modified)

**15-203. Violations and penalty.** It shall be unlawful and a violation of this section to travel in excess of the established speed limits. (2000 Code, § 15-202, modified)

**CHAPTER 3****ENFORCEMENT****SECTION**

15-301. Abandoned vehicles.

15-302. Violation and penalty.

**15-301. Abandoned vehicles.** Members of the police department are hereby authorized, when reasonably necessary, to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction of traffic. Any vehicle left parked on any street for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to be abandoned if the owner cannot be located after a reasonable investigation. The cost of any towing or impoundment shall be that of the vehicle's owner. (2000 Code, § 15-301)

**15-302. Violation and penalty.** Any violation of this title shall be a civil offense punishable by a civil penalty of up to fifty dollars (\$50.00) for each separate offense. (2000 Code, § 15-302)

**TITLE 16**

**STREETS AND SIDEWALKS, ETC.<sup>1</sup>**

**CHAPTER**

**1. MISCELLANEOUS.**

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

16-101. Procedure for designation of town streets.

16-102. Obstruction of drainage ditches.

**16-101. Procedure for designation of town streets.**<sup>2</sup> In order for a street/road/way to be named as a town street for maintenance/care, each landowner along the street/road/way must insure an appropriate right-of-way to the Town of Pittman Center, Tennessee and quit claim deed must be prepared by each landowner accordingly, for this right-of-way to the Town of Pittman Center. (2000 Code, § 16-101)

**16-102. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way.

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<sup>1</sup>Regulations for land disturbance and vegetation removal, including permits, are part of the Pittman Center Zoning Ordinance and may be found in the recorder's office.

<sup>2</sup>A complete list of ordinances regarding town streets and their designation and measurement may be found in the office of the recorder.

**TITLE 17**

**REFUSE AND TRASH DISPOSAL<sup>1</sup>**

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE**

**SECTION**

- 17-101. Definitions.
- 17-102. Garbage collection.
- 17-103. Garbage accumulation unlawful.
- 17-104. Garbage disposal in town unlawful.
- 17-105. Garbage containers required.
- 17-106. Container type.
- 17-107. Unlawful to use dumpster belonging to another.
- 17-108. Container location.
- 17-109. Dumpster placement.
- 17-110. Other provisions remain in effect.
- 17-111. Containers shall be well maintained.
- 17-112. Defective or unclean containers.
- 17-113. Littering around or damaging containers unlawful.
- 17-114. Scavenging unlawful.
- 17-115. Special conditions.
- 17-116. Collector may not enter into private buildings.
- 17-117. Violations and penalty.

**17-101. Definitions.** As used in this chapter the following words and phrases shall have the meanings ascribed to them in this section:

(1) "Ashes" shall include the waste products from the burning of coal, wood and other fuels from residences or business.

(2) "Business" or commercial premises shall include, but not be limited to, wholesale and retail commercial establishments and establishments that provide services, all including, but not limited to, professional offices, restaurants, markets, schools, medical clinics, houses of worship, motels, hotels, campgrounds, overnight rental structures, garages, automotive service stations and, in general, all premises that are not residential or agricultural.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(3) "Collector" shall mean any person or entity that collects, transports or disposes of garbage and waste.

(4) "Collectible garbage and waste" (sometimes referred to as "garbage and waste") shall be the garbage, refuse, rubbish or solid waste as is defined herein that the town shall collect. The town shall not collect ashes, housing appliances or furnishings, sewage (human or animal body wastes), automobile parts, motor oil, tires, machinery, tree leaves, limbs and branches, grass clipping, wood, stone and plastic debris from demolition or construction sites, plumbing fixtures, industrial by-products, dead animals, toxic materials or other similar items.

(5) "Director" shall mean the town administrator or chief executive officer of the town or other person who may be specifically designated by the mayor and board of aldermen to be in charge of garbage and waste collection, hauling off and disposal.

(6) "Garbage" shall include all putrescible wastes (except sewage--human or animal body wastes, vegetable and animal offal and carcasses of dead animals) from residences or businesses. Likewise excluded are recognizable industrial by-products. (See subsection (12).)

(7) "Person" shall mean any and all entities, natural and artificial, including any individual, firm, association, partnership, corporation, company or other business organization, agency of any municipal corporation, agency of any county government, agency of any state government, or agency of the United States government.

(8) "Refuse" shall include garbage, rubbish, ashes and all other putrescible or nonputrescible substances, combustible or non-combustible materials, products from the preparation, cooking or consumption of food, waste from the handling and sale of food supplies or produce, and similar sewage (human or animal body wastes) and recognizable industrial by-products. (see number 12)

(9) "Residential" shall mean a private dwelling used as an abode or a unit in a multiple family dwelling used as a permanent abode. An "overnight rental" structure or unit specifically is not a residential premises.

(10) "Rubbish" shall include all nonputrescible waste materials, except ashes, and does not include liquid or solid hazardous waste. (See subsection (12).)

(11) "Solid waste" shall mean garbage, refuse or other discarded solid materials, including, but not limited to, materials resulting from residential, commercial or agricultural operations, but does not include solids or dissolved material in sewage or materials in water resources such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants or other liquid or solid hazardous waste.

(12) The terms "garbage," "refuse," "rubbish" and "solid waste" may on occasion be interchanged in this chapter. (2000 Code, § 17-101)

**17-102. Garbage collection.** The town government through its employees or through its agents shall regularly remove collectible garbage and waste from residential and commercial premises within the corporate limits of the town, haul off the collectible garbage and waste and cause it to be disposed of, all at the direction of the director who shall establish the dates, times and methods of collection. Accordingly, the collector shall have the right to enter onto the premises of persons in the town in a reasonable manner to collect garbage and waste. (2000 Code, § 17-102)

**17-103. Garbage accumulation unlawful.** It shall be unlawful for any persons to allow any premises they own or are in possession of to accumulate with garbage, refuse, rubbish, solid waste or other waste product. Collectible garbage and waste shall be stored in closed, sanitary containers (plastic bags, cans, dumpsters or others) as described in this chapter for regular removal by the collector. Other waste products shall be removed and disposed of by the owner or person in possession of the premises without allowing the same to accumulate. (2000 Code, § 17-103)

**17-104. Garbage disposal in town unlawful.** It shall be unlawful for any persons to deposit, or permit to be deposited, any garbage, refuse, rubbish, solid waste or any other waste products on their own premises or on any premises in their possession or under their control or deposit such materials in any back lot, vacant lot, public ground, park, alley, street, floodplain, stream, ditch, storm sewer, areaway or in any other place within the town except as is provided specifically in this chapter. (2000 Code, § 17-104)

**17-105. Garbage containers required.** Each owner, occupant, tenant, subtenant, lessee or other person using or occupying any residence or business premises on which garbage and waste are apt to accumulate shall provide an adequate number of containers of a type approved by the director for the storage of the collectible garbage and waste until it is removed by the collector. (2000 Code, § 17-105)

**17-106. Container type.** The director shall designate the type, size, strength and other particulars of the containers used on all premises.

(1) All can containers contemplated by this chapter shall be made of metal or other approved impervious material. No such can shall be larger than thirty-two (32) gallons in size or capacity. All such cans shall have a securely and tight fitting removable top. All such cans larger than ten (10) gallons in size and capacity shall be equipped with two (2) handles, one (1) handle on opposite sides thereof. The combined weight of any manually handled can and its contents shall not exceed fifty (50) pounds. (The maximum capacity shall not apply to mechanically handled cans). In no case shall the number of cans exceed

four (4) per residence or place of business per week. All plastic bags within the container must be securely tied.

(2) A commercial container ("dumpster")--or more if necessary--shall be provided on a premises, whether residential or commercial, that needs more than four (4) cans or bags per week, these dumpsters being provided by the owner of the premises or the person in possession all at his, her or their expense. Excepted from this provision, however, are residential multifamily building of ten (10) units or less, which premises shall be treated per unit of abode, i.e., each unit shall not have more than four (4) containers per week. (2000 Code, § 17-106, as amended by Ord. #316, May 2022 *Ch1\_08-18-22*)

**17-107. Unlawful to use dumpster belonging to another.** It shall be unlawful for any person to use a dumpster belonging to others unless their user has the owner's expressed permission in writing. (2000 Code, § 17-107)

**17-108. Container location.** Garbage and waste containers shall be placed in a convenient, accessible location for the collector, the designation of placement being made by the director. Before building permits shall be issued for new construction or remodeling of commercial building, multifamily buildings or other premises that shall require dumpsters, the location of the dumpsters shall be shown on the plats or plans and shall provide for convenient collection. No certificate of completion shall be issued until such a convenient location has been approved by the director. (2000 Code, § 17-108)

**17-109. Dumpster placement.** The director shall have the power to require an owner or occupant of a premises that must have a dumpster or dumpsters to have an adequate concrete pad constructed on which they shall be placed. (2000 Code, § 17-109)

**17-110. Other provisions remain in effect.** No provision in this chapter shall alter municipal code § 13-101. Accordingly all residential and commercial owners and occupants of premises in the town shall continue to comply with § 13-101. (2000 Code, § 17-110)

**17-111. Containers shall be well maintained.** It shall be unlawful for an owner of a container to allow his or her container to remain in an unmaintained or unclean condition so as to cause offensive odors or to cause the breeding of flies or other unsanitary condition. (2000 Code, § 17-111)

**17-112. Defective or unclean containers.** Upon giving the owner reasonable notice, the director or his or her agent shall have the power to confiscate and remove containers that are in such an unmaintained or unclean condition as to cause offensive odors or to cause the breeding of flies or when the containers are otherwise unfit and unsanitary as to endanger the public or

become a nuisance. Thereafter the director may dispose of the container at his or her discretion after again giving the owner reasonable notice. (2000 Code, § 17-112)

**17-113. Littering around or damaging containers unlawful.** It shall be unlawful for a person to litter by scattering garbage or waste of any kind whatsoever around a container, whether his or her own container or the container of others, or to overfill a container so as to cause it to overflow, and it shall be unlawful to damage a container. "Litter" means knowingly or negligently to place, throw or pile garbage or waste around a container or to overfill a container so as to leave the area in an unsightly or unsanitary condition. "Damage" means the denting or burning a container, placing graffiti thereon or in any other way defacing a container. (2000 Code, § 17-113)

**17-114. Scavenging unlawful.** It shall be unlawful for any person to remove or to attempt to remove materials from the containers or another person, this being known herein as "scavenging." All material placed in a container for the purpose of collection by the town are the property of the town. (2000 Code, § 17-114)

**17-115. Special conditions.** (1) While the town is not responsible for the collection of tree leaves, limbs, branches, or grass clippings, the director may from time to time arrange for such materials to be collected and removed, this being in the sole discretion of the director.

(2) The director, likewise, may make arrangements to collect other items that are not "collectible garbage and waste" from time to time, this being in the sole discretion of the director. (2000 Code, § 17-115)

**17-116. Collector may not enter into private buildings.** The collector shall not enter into any privately owned residential or commercial buildings in order to collect and remove garbage and waste. (2000 Code, § 17-116)

**17-117. Violations and penalty.** Any person or entity violating this chapter shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not more than fifty dollars (\$50.00), and any violation may be charged on a daily basis. (2000 Code, § 17-117, modified)

**TITLE 18**

**WATER AND SEWERS<sup>1</sup>**

**CHAPTER**

**1. REMOVAL OF WATER FROM RIVER.**

**CHAPTER 1**

**REMOVAL OF WATER FROM RIVER**

**SECTION**

18-101. Removal of water from Middle Prong of Little Pigeon River prohibited.

18-102. Enforcement.

18-103. Violations and penalty

**18-101. Removal of water from Middle Prong of Little Pigeon River prohibited.** It shall be unlawful for any person, persons, corporations or organizations to remove water for commercial use out of the Middle Prong of the Little Pigeon River within the corporate limits of the Town of Pittman Center, Tennessee, to another watershed without first obtaining permission from the town. (2000 Code, § 18-101)

**18-102. Enforcement.** The governing body shall be authorized to restrain and enjoin violations of this chapter. (2000 Code, § 18-102)

**18-102. Violations and penalty.** Violation of this chapter shall constitute a civil offense punishable by a fine of not to exceed fifty dollars (\$50.00) for each offense. (2000 Code, § 18-103)

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<sup>1</sup>Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

**TITLE 19**

**ELECTRICITY AND GAS**

**[RESERVED FOR FUTURE USE]**

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

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

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

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

**20-101. Definition.** The term "aircraft" as used in this chapter means any airplane, helicopter, flying machine, balloon, any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance used primarily for safety equipment. (2000 Code, § 20-101)

**20-102. Minimum height for aircraft.** No person, firm or corporation shall fly or permit any aircraft to be flown within the corporate limits of the Town of Pittman Center, except at a height sufficient to permit a safe emergency landing and in no instance shall any aircraft fly at a height above the town less than one thousand feet (1,000'). In addition, no aircraft shall be permitted to fly within two thousand (2,000) horizontal feet of any personal property or structure located within the town limits of the Town of Pittman Center. These heights and distances are a minimum and unsafe operation of an aircraft above the town shall be a violation of this chapter regardless of the distance involved, if the operation of said aircraft is in violation of any provision of this chapter, federal rules, regulations, or any safe standard of conduct for the operation of an aircraft. (2000 Code, § 20-102)

**20-103. Operators and operation of aircraft.** No person shall operate an aircraft within or over the corporate limits of the Town of Pittman Center unless such person has first been issued a pilot's license or other approval for the operation of the aircraft by the Federal Aviation Administration or other state or federal agency. No person shall operate any aircraft over or within the Town of Pittman Center in violation of any valid air traffic or other rule or regulation established by the Federal Aviation Administration or other appropriate state or federal agency. (2000 Code, § 20-103)

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

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

**20-106. Landings within the town prohibited.** Except in cases of emergency, no person shall land any aircraft within the corporate limits of the Town of Pittman Center. The provisions of this section shall not apply to aircraft making emergency landings provided the aircraft is not otherwise violating the provisions of this chapter, nor shall this chapter apply to aircraft providing public service or emergency service to any governmental agency. (2000 Code, § 20-106)

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

**20-108. Dropping objects from aircraft prohibited.** No person in any aircraft shall cause or permit to be thrown out, discharged or dropped within the corporate limits of the Town of Pittman Center any object or thing. (2000 Code, § 20-108)

**20-109. Advertising by aircraft prohibited.** No person shall make exhibition flights, by carrying banners, distributing circulars from, operating a loud speaking device, or through the use of any signage on said aircraft flying within or over the corporate limits of the Town of Pittman Center. (2000 Code, § 20-109)

## CHAPTER 2

### INVASIVE PLANT MANAGEMENT ORDINANCE

#### SECTION

20-201. Prohibited planting.

20-202. Permit to build.

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

20-204. National park boundary priority.

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

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

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

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

## CHAPTER 3

### TREE ORDINANCE

#### SECTION

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

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

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

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

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

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

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

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

(3) Activities:

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

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

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

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

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

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

Native Plant List

COMMON NAME/ SCIENTIFIC NAME

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

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

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

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

## (4) SHRUBS

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

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

(Ord. #291, Feb. 2020)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER 4

**TOURIST RESIDENCY PERMIT PROGRAM<sup>1</sup>****SECTION**

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

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

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

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

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

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

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<sup>1</sup>Municipal code reference

Zoning ordinance: title 14, chapter 2.

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

**20-403. Fee.** The base fee for a tourist residency permit shall be the sum of two hundred dollars (\$200.00) per residence. This will include the residence and four (4) bedrooms. For all tourist residences which have more than four (4) bedrooms, an additional seventy-five dollars (\$75.00) per bedroom shall be charged. (Ord. #292, Feb. 2020)

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

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

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

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

ORDINANCE NO. 305

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF PITTMAN CENTER, TENNESSEE.**

WHEREAS some of the ordinances of the Town of Pittman Center are obsolete, and

WHEREAS some of the other ordinances of the Town of Pittman Center are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Pittman Center, 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 "Pittman Center Municipal Code," now, therefore:

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

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

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

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

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

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

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

Each day any violation of the municipal code continues shall constitute a separate civil offense.<sup>1</sup>

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<sup>1</sup>State law reference

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

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

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

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

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

**Section 10. Waivers—Americans With Disabilities Act/Fair Housing Act/equivalent state statutes.** The ordinances of the Town of Pittman Center and the provisions of the municipal code are subordinate to applicable federal and state law.

If a waiver is sought with respect to the requirements of an ordinance or provision of the municipal code on the basis of the Americans with Disabilities Act or the Fair Housing Act or equivalent state statute, such waiver request shall be submitted to the ADA Coordinator, who shall have the authority to

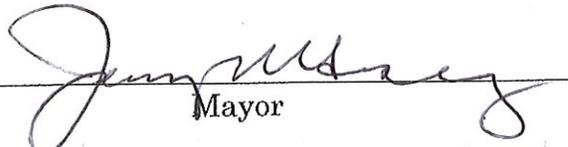
grant or deny such waiver. Appeals of the decision of the ADA Coordinator may be made in writing to the town administrator within ten working days of the ADA Coordinator's decision by any person directly impacted by the same.

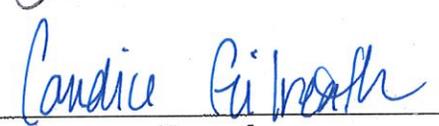
If a waiver is sought with respect to the requirements of an ordinance or provision of the municipal code on the basis of any other federal or state law, such waiver request shall be submitted to the town administrator, who shall have the authority to grant or deny such waiver. Appeals of the decision of the town administrator may be made in writing to the board of mayor and aldermen submitted through the town recorder's office within ten working days of the town administrator's decision by any person directly impacted by the same.

**Section 11. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, \_\_\_\_\_ December 17th \_\_\_\_\_, 2020.

Passed 2nd reading, \_\_\_\_\_ March 18th \_\_\_\_\_, 2021.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder