

**AGENDA  
CITY OF MORRISTOWN, TENNESSEE  
CITY COUNCIL MEETING  
NOVEMBER 3, 2015 – 5:00 P.M.**

**1. CALL TO ORDER**

Mayor Gary Chesney

**2. INVOCATION**

Dr. Chris Dotson, Chaplain Coordinator City of Morristown

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

**5. APPROVAL OF MINUTES**

1. October 20, 2015

**6. PROCLAMATIONS/PRESENTATIONS**

**7. CITIZEN COMMENTS ABOUT AGENDA ITEMS ONLY  
(Other than items scheduled for public hearing.)**

**8. OLD BUSINESS**

**8-a. Public Hearings & Adoption of Ordinances/Resolutions**

1. Ordinance No. 3525

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning vacant parcel fronting Wilder Street from (R-1) Single Family Residential to (R-2) Medium Density Residential District}.

2. Ordinance No. 3526

An Ordinance to Amend the City of Morristown, Tennessee, Municipal Code, Title 14, {Zoning and Land Use Control}, Chapter 2 {Zoning Ordinance} by amending Chapter 29 {Sign Regulations}, Section 14-2903 {Definitions}, Section 14-2906-D-f {Allowable Signs by Zoning District, Temporary Signs for office, commercial, and industrial use in IB, PCD, LI, ALI, and HI zones}, and Section 14-2906-E-6 {Allowable Signs by Zoning District, Temporary Signs for office, commercial, and industrial use in the TA zone}.

3. Ordinance No. 3527  
An Ordinance of the City Council of Morristown, Tennessee, Deleting Title 9, Chapter 6 {Junk Yards and Automobile Graveyards} of the Morristown Municipal Code.
4. Ordinance No. 3528  
An Ordinance of the City Council of Morristown, Tennessee, Amending Title 13, Chapter 1 {General Property Maintenance} of the Morristown Municipal Code.
5. Ordinance No. 3529  
An Ordinance of the City Council of Morristown, Tennessee, Amending Title 17 {Refuse and Trash Disposal} of the Morristown Municipal Code.

**9. NEW BUSINESS**

**9-a. Resolutions**

**9-b. Introduction and First Reading of Ordinances**

**9-c. Awarding of Bids/Contracts**

**9-d. Board/Commission Appointments**

**9-e. New Issues**

1. Police Department Promotion(s).

**10. CITY ADMINISTRATOR'S REPORT**

**11. COMMUNICATIONS/PETITIONS**

**This is the portion of the meeting where members of the audience may speak subject to the guidelines provided.**

**12. COMMENTS FROM MAYOR/COUNCILMEMBERS/COMMITTEES**

**13. ADJOURN**

**City Council Meeting/Holiday Schedule:**  
Regular City Council Meeting with Work Session

November 17, 2015	(Tues) 4:00 p.m.	Finance Committee Meeting
November 17, 2015	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
November 26 & 27, 2015	(Thursday & Friday)	City Employee's Holiday Thanksgiving
December 1, 2015	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
December 15, 2015	(Tues) 4:00 p.m.	Finance Committee Meeting
December 15, 2015	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
December 25, 2015	(Friday)	City Employee's Holiday Christmas Day
January 1, 2016	(Friday)	City Employee's Holiday New Years Day
January 5, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
January 18, 2016	(Monday)	City Employee's Holiday Martin Luther King Day
January 19, 2016	(Tues) 4:00 p.m.	Finance Committee Meeting
January 19, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session

**WORK SESSION AGENDA**  
**November 3, 2015**  
**5:00 p.m.**

**1. No Work Session**

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
OCTOBER 20, 2015**

The City Council for the City of Morristown, Hamblen County, Tennessee, met in regular session at the regular meeting place of the Council in the Morristown City Center at 5:00 p.m., Tuesday, October 20, 2015, with the Honorable Mayor Gary Chesney, presiding and the following Councilmembers present; Bob Garrett, Chris Bivens, Kay Senter, Dennis Alvis, Ken Smith, absent; Tommy Pedigo.

Mark Campbell, Chaplain Morristown Police Department led in the invocation and Councilmember Alvis led in the "Pledge of Allegiance".

Councilmember Alvis made a motion to approve the October 6, 2015 minutes as circulated. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

City Administrator Tony Cox presented a plaque received by the City of Morristown during the recent International City Managers Association (ICMA) meeting. The City of Morristown received the "Voice of the People Award for Transformation in Mobility, Finalist".

Councilmember Senter made a motion to Resolution No. 15-15. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

**RESOLUTION NO. 15-15**

**A RESOLUTION OF THE CITY OF MORRISTOWN TO MAKE  
APPLICATION FOR THE TENNESSEE DEPARTMENT OF  
TRANSPORTATION FY 2016 TRANSPORTATION ALTERNATIVES GRANT  
PROGRAM**

**WHEREAS**, the City of Morristown seeks to continually develop its comprehensive plan elements which serve as guidelines for the maintenance and improvement of community public facilities and infrastructure, and

**WHEREAS**, the citizens within the City are afforded a continuous process whereby the transportation network within the area is maintained in an efficient and orderly manner while plans for future growth in traffic volumes, recreational and land uses are considered, and

**WHEREAS**, the governing body of the City of Morristown desires to improve the safety, security, and aesthetics of its roadways, sidewalks and trails; and

**WHEREAS**, the City desires to continue the development of the Turkey Creek Greenway system with a route that will extend along the West Branch of Turkey Creek from Civic Park on Sulphur Springs Road to Lincoln Avenue; and

**WHEREAS**, the City desires to apply for the FY2016 Tennessee Transportation Alternatives Grant, where federal funds will pay for 80 percent of the construction phase and the local match will pay for the remaining 20 percent of construction;

**NOW, THEREFORE BE IT RESOLVED** that the elected governing body of the City of Morristown, TN shall apply for the TDOT FY 2016 Tennessee Transportation Alternatives Grant program.

Resolved this the 20<sup>th</sup> day of October in the year of 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY ADMINISTRATOR

Councilmember Garrett made a motion to approve Ordinance No. 3525 on first reading and schedule a public hearing relative to final passage of said Ordinance for November 3, 2015. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3525**

**An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning vacant parcel fronting Wilder Street from (R-1) Single Family Residential to (R-2) Medium Density Residential District}.**

Councilmember Smith made a motion to approve Ordinance No. 3526 on first reading and schedule a public hearing relative to final passage of said Ordinance for November 3, 2015. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3526**

**An Ordinance to Amend the City of Morristown, Tennessee, Municipal Code, Title 14, {Zoning and Land Use Control}, Chapter 2 {Zoning Ordinance} by amending Chapter 29 {Sign Regulations}, Section 14-2903 {Definitions}, Section 14-2906-D-f {Allowable Signs**

**by Zoning District, Temporary Signs for office, commercial, and industrial use in IB, PCD, LI, ALI, and HI zones}, and Section 14-2906-E-6 {Allowable Signs by Zoning District, Temporary Signs for office, commercial, and industrial use in the TA zone}.**

Councilmember Senter made a motion to approve Ordinance No. 3527 on first reading and schedule a public hearing relative to final passage of said Ordinance for November 3, 2015. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3527**

**An Ordinance of the City Council of Morristown, Tennessee, Deleting Title 9, Chapter 6 {Junk Yards and Automobile Graveyards} of the Morristown Municipal Code.**

Councilmember Senter made a motion to approve Ordinance No. 3528 on first reading and schedule a public hearing relative to final passage of said Ordinance for November 3, 2015. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3528**

**An Ordinance of the City Council of Morristown, Tennessee, Amending Title 13, Chapter 1 {General Property Maintenance} of the Morristown Municipal Code.**

Councilmember Garrett made a motion to approve Ordinance No. 3529 on first reading and schedule a public hearing relative to final passage of said Ordinance for November 3, 2015. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3529**

**An Ordinance of the City Council of Morristown, Tennessee, Amending Title 17 {Refuse and Trash Disposal} of the Morristown Municipal Code.**

Councilmember Smith made a motion to approve the agreement between the State of Tennessee, Tennessee Department of Transportation (TDOT) and the City of Morristown Moore-Murrell Field, Morristown, Tennessee is for the provision of establishing an Automated Weather Observation System (AWOS) at the airport. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to approve the contract between the Tennessee Emergency Management Agency and the City of Morristown. This contract is for the eligible costs incurred as a result of FEMA-4211-DR-TN with a State match of \$6,182.71, Federal match of \$56,758.54 total amount of \$62,941.25. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Councilmember Smith made a motion to approve Change Order No. 1 for Morristown Medical District Improvements to Summers-Taylor, Inc., net increase of this change order \$11,837.55 bringing total from \$512,794.45 to \$524,632.00; net increase of contract time 60 days from October 3, 2015 to December 2, 2015. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to approve the hiring of Paul Carter to the Police Department as an entry-level Patrol Officer. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve the hiring of Jonathan Helton to the Police Department as an entry-level Patrol Officer. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Alan Hartman, Development Director (Planning) presented to Council a report on the plan that his staff has begun to use for routine enforcement of the sign ordinance as it deals with temporary signs.

City Administrator, Tony Cox, reported a clarification to Council on the Amendment to the LAMTPO Grant Contract approved at the October 6, 2015, City Council meeting.

Mayor Chesney adjourned the October 20, 2015 City Council meeting at 6:00 p.m.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR



# City of Morristown

*Incorporated 1855*

Department of Community Development and Planning

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## Memo

To: Mr. Tony Cox  
From: Alan C. Hartman  
Date: 10/14/2015  
CC: Debra Stamey  
Re: Rezoning Request – Wilder Street – R-1, Single Family Dist. to R-2, Multifamily District

### Background

On February 11, 2014 the Morristown Regional Planning Commission considered a request to rezone property on Wilder Street from R-1 to R-2. The request was submitted by J.R. Byerley the property Owner and Paul LeBel, agent for the property owner. The property, roughly 0.82 acres in size is currently vacant.

The Medium Density Residential (R-2) zoning classification states that R-2 “may range from single-family to medium density multi-family apartment uses” (Section 14-601). The property owner has proposed to develop the property as multifamily and was presented to the Morristown Regional Planning Commission as a proposed duplex. The proposed rezoning abuts an existing R-2 district to the south and IB District to the east.

The general vicinity of the request contains a variety of differing land uses. Most properties along Wilder Street from Morris Blvd. to the requested rezoning appear to be single family homes. Beyond the requested location to the south is a multifamily development and church. To the east of the property is the College Square Mall development.

### Recommendation

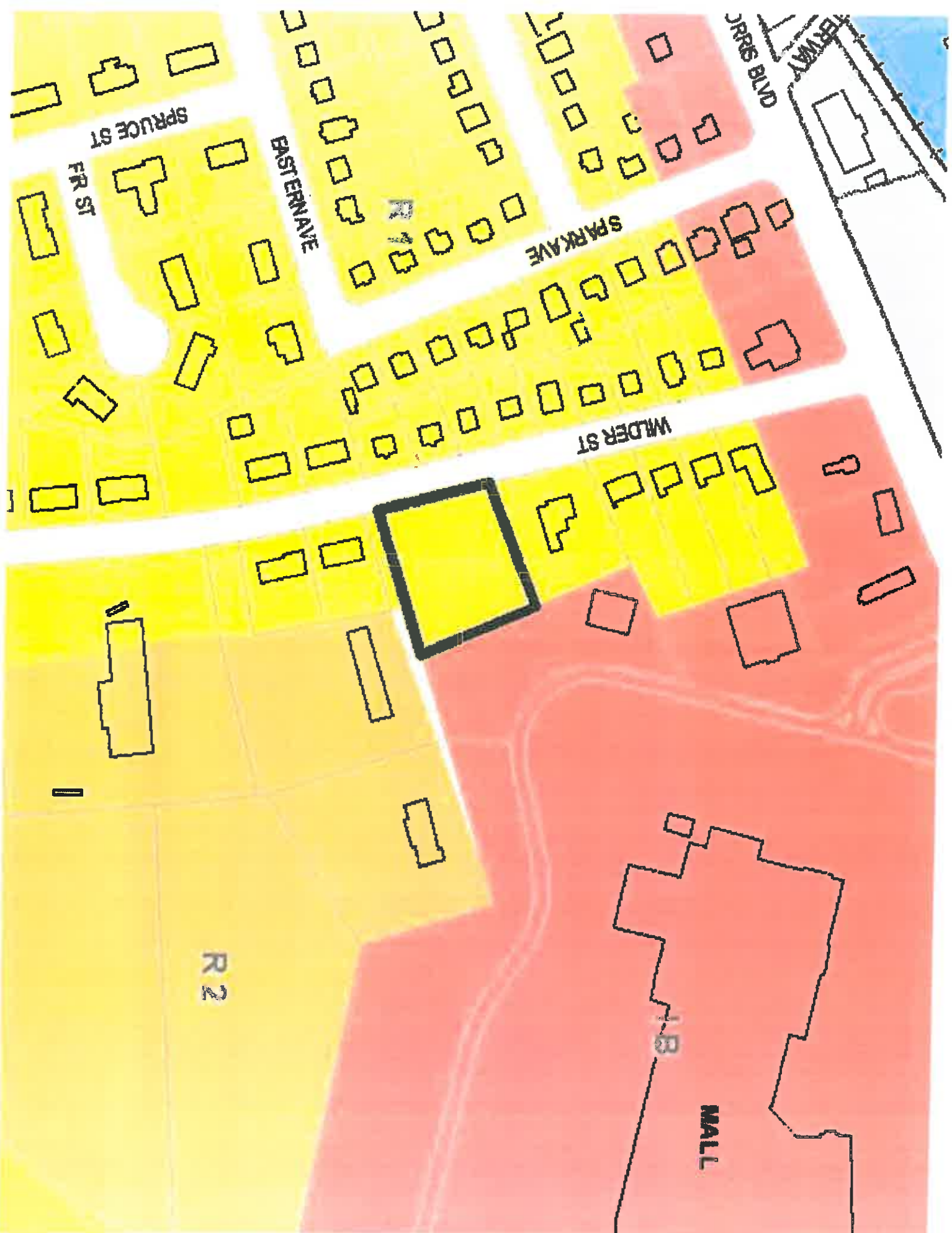
The Morristown Regional Planning Commission recommended approval on Tuesday, October 13, 2015.

### Attachments

Location Map

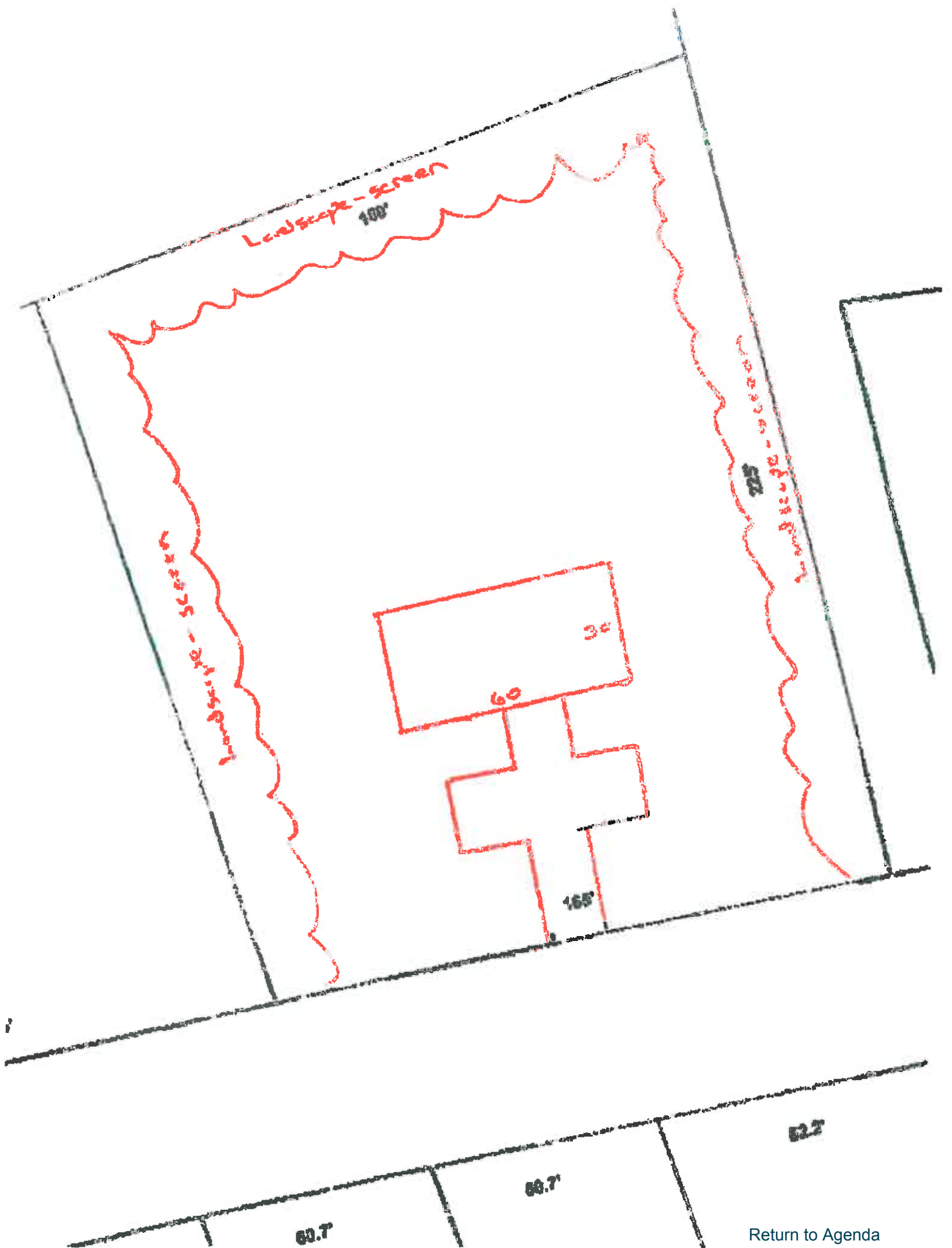
Proposed Ordinance

Conceptual layout for development.









**ORDINANCE NO. 3525**

**ENTITLED AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF MORRISTOWN, TENNESSEE, APPENDIX B.** { Rezoning of property located on Wilder Street (Tax Map 034F I 02600 000) from R-1, Single Family District to R-2, Multifamily Residential District }

SECTION I. WHEREAS, the Morristown Planning Commission has recommended to the City Council of the City of Morristown that a certain amendment be made to Ordinance No. 2092, known as the Zoning Ordinance for the City of Morristown, Appendix B;

NOW, THEREFORE, in order to carry into effect the said amendment:

SECTION II. BE IT ORDAINED by the City Council of the City of Morristown that Ordinance No. 2092 be and the same hereby is amended so as to provide that the following described territory be rezoned from R1, Single Family Residential District to R-2, Multifamily Residential District

BEGINNING at a point on the northwestern corner of Parcel 026 as shown on Hamblen County Tax Map 34-F in Group I, said point also being located on the eastern boundary of Wilder Street right-of-way; thence westward for a distance of approximately twenty-five (25) feet to a point on the centerline of said Wilder Street right-of-way; thence following along the centerline of Wilder Street in a southeasterly direction for a distance of approximately one hundred sixty-five (165) feet to a point; said point being situated on the centerline of the right-of way of Wilder Street; thence in a easterly direction along for a distance of approximately twenty-five (25) feet to a point on the southwestern corner of said Parcel 026; thence in an easterly direction for a distance of approximately two hundred twenty (220) feet to a point on the southeastern corner of said Parcel 026; thence in a northwesterly direction along the eastern boundary line of said Parcel 026.00 for a distance of approximately two hundred twenty (220) feet to a point; said point being situated on the northeastern corner of said Parcel 026.00; thence in a southwesterly direction along the northern boundary line of said Parcel 026.00, said boundary line being shared by said Parcel 026 and Parcel 025 as shown on Hamblen County Tax Map 34-F in Group I for a distance of approximately one hundred ninety-three (193) feet to the point of BEGINNING. Thus, being all of said Parcel 026 and the adjoining area to the centerline of Wilder Street right-of-way herein described.

SECTION III. BE IT FURTHER ORDAINED that all maps, records and necessary minute entries be changed so as to effect the amendment as herein provided, to the extent that the area herein above described shall be permitted to be used for Multifamily Residential (R-2).

SECTION IV. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith be, and the same are, repealed to the extent of such conflict but not further or otherwise.

SECTION V. BE IT FURTHER ORDAINED that this ordinance takes effect from and after the date of its final passage, the public welfare requiring it.

Passed on first reading this the 20<sup>th</sup> day of October, 2015.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Passed on second and final reading this the 3<sup>rd</sup> day of November, 2015.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator





Department of Community Development  
West 1<sup>st</sup> North Street  
Morristown, TN 37814  
(423)585-4620

TO: Morristown City Council  
FROM: Logan Engle, Planner  
DATE: October 14, 2015  
SUBJECT: Zoning Text Amendment of Chapter 29, Section 14-2903 & 14-2906

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### **BACKGROUND:**

Chapter 29 (Sign Regulations) of the City of Morristown Zoning Ordinance contains many definitions of a variety of types of both temporary and permanent signage. However, the ordinance does not currently define what are commonly known as feather signs, feather flag signs, wind signs, or sail signs. Examples of this type of sign are shown on the following page.

Over the past several years, these types of advertising signs have grown in popularity. Since we have no definition contained within our sign ordinance to address these types of signs, staff is limited in their enforcement of these types of signs unless they are placed within the public right-of-way or a sight-distance triangle and cause a hazard to traffic, cyclists, and pedestrians.

In order for staff to more easily address enforcement of these signs, staff would request that the Morristown City Council approve the following definition:

***Feather Flag Sign*** means a freestanding, temporary sign constructed of a pole that may be driven into the ground or mounted upon a base with an attached vertically-elongated material resembling a feather, sail, blade, teardrop, shepherd's hook, rectangle, etc.

In addition, staff recommends altering Chapter 29, Section 14-2906-D-f (Allowable Signs by Zoning District, Temporary Signs for office, commercial, and industrial use), to allow a maximum 10' height exception for feather flag signs to read as follows:

f. Temporary signs for office, commercial, and industrial use. Temporary freestanding signs shall be limited to five per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of the certificate of occupancy. Other temporary freestanding signs shall be limited to a period not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

***Specifications:*** Sign area – 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height – six (6) feet maximum, **excepting feather flag signs which may be no higher than ten (10) feet maximum.** When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

If adopted by the Morristown City Council, the previous definition would be added to Chapter 29, Section 14-2903 (Definitions) of the City of Morristown Zoning Ordinance, and the maximum height for feather flag signs would be added to Chapter 29, Section 14-2906-D-f (Allowable Signs by Zoning District, Temporary signs for office, commercial, and industrial use).

**ACTION FROM PLANNING COMMISSION:**

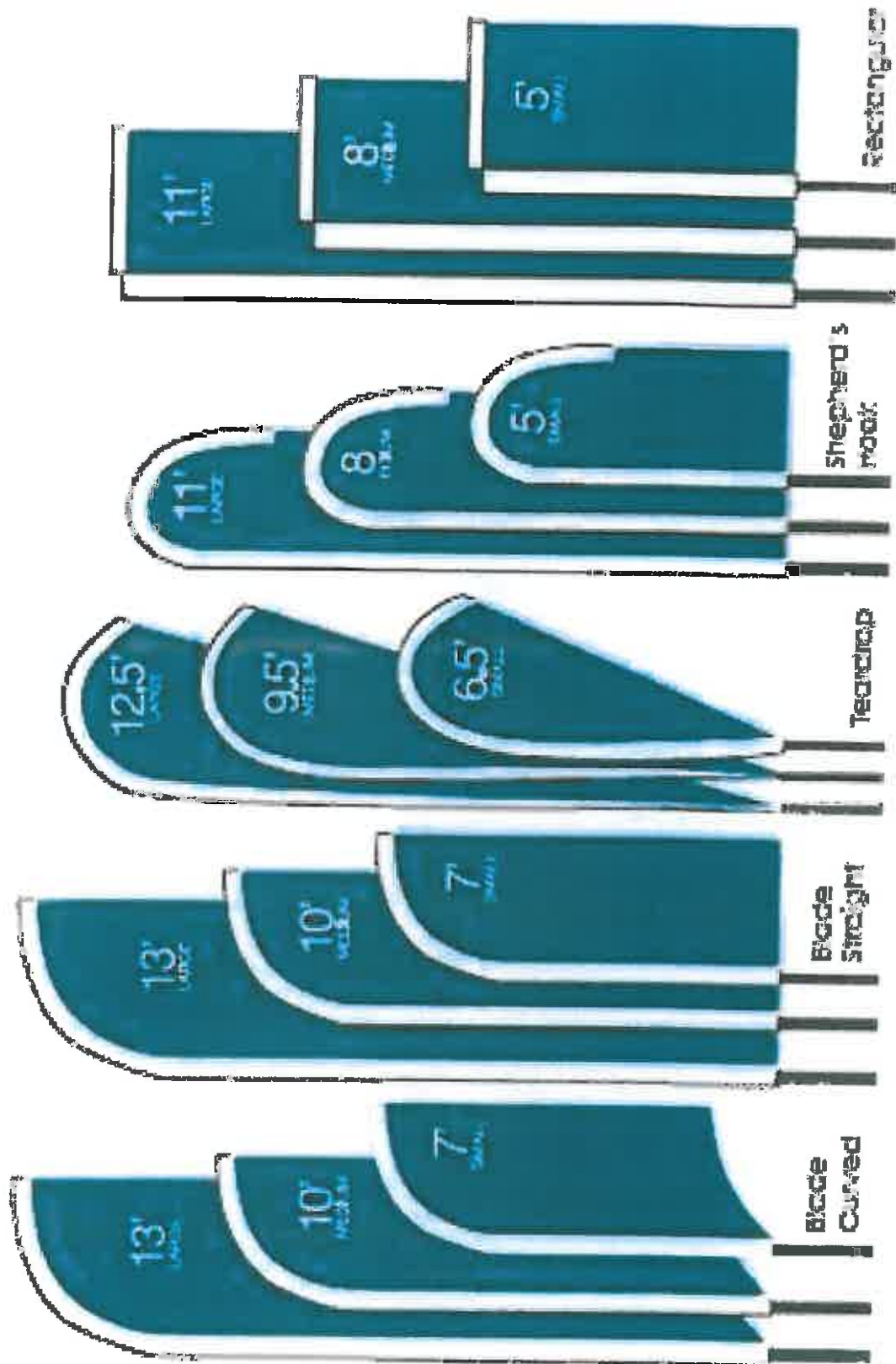
Staff proposed that the Morristown Regional Planning Commission recommend this text amendment to City Council for approval. At their October 13, 2015, meeting the MRPC approved this recommendation request.





[Return to Agenda](#)

## Shapes and Sizes



**Ordinance No. 3526**

**Entitled an Ordinance to amend the Morristown Municipal Code, Title 14 (Zoning and Land Use Control), Chapter 2 (Zoning Ordinance) by amending Chapter 29 (Sign Regulations), Section 14-2903 (Definitions), Section 14-2906-D-f (Allowable Signs by Zoning District, Temporary Signs for office, commercial, and industrial use in IB, PCD, LI, ALI, and HI zones), and Section 14-2906-E-6 (Allowable Signs by Zoning District, Temporary Signs for office, commercial, and industrial use in the TA zone).**

WHEREAS, the Morristown Municipal Code, Title 14 (Zoning and Land Use Control), Chapter 2 (Zoning Ordinance), Chapter 29 (Sign Regulations), Section 14-2906 (Allowable Signs by Zoning District) does not address feather flag signs; and

WHEREAS, the City Council has received a recommendation from the Morristown Regional Planning Commission to amend Chapter 29 of the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance does not provide a definition of feather flag signs or any direction of enforcement for feather flag signs,

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown, Tennessee, that the Morristown Municipal Code, Title 14 (Zoning and Land Use Control), Chapter 2 (Zoning Ordinance) be altered by amending Chapter 29 (Sign Regulations), Section 14-2903 (Definitions) by adding the following text:

***Feather Flag Sign means a freestanding, temporary sign constructed of a pole that may be driven into the ground or mounted upon a base with an attached vertically-elongated material resembling a feather, sail, blade, teardrop, shepherd's hook, rectangle, etc.***

BE IT FURTHER ORDAINED that the Morristown Municipal Code, Title 14 (Zoning and Land Use Control), Chapter 2 (Zoning Ordinance) be altered by amending Chapter 29 (Sign Regulations), Section 14-2906-D-f (Allowable Signs by Zoning District, Temporary Signs for office, commercial, and industrial use in IB, PCD, LI, ALI, and HI zones), by amending the following text to read as follows:

Temporary signs for office, commercial, and industrial use. Temporary freestanding signs shall be limited to five per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of the certificate of occupancy. Other temporary freestanding signs shall be limited to a period not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

***Specifications:*** Sign area – 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height – six (6) feet maximum, **excepting feather flag signs which may be no higher than ten (10) feet maximum.** When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

BE IT FURTHER ORDAINED that the Morristown Municipal Code, Title 14 (Zoning and Land Use Control), Chapter 2 (Zoning Ordinance) be altered by amending Chapter 29 (Sign Regulations), Section 14-2906-E-6 (Allowable Signs by Zoning District, Temporary Signs for office, commercial, and



industrial use in the TA zone), by amending the following text to read as follows:

Temporary signs for office, commercial, and industrial use. Temporary freestanding signs shall be limited to five per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as “now hiring” or “grand opening” and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of the certificate of occupancy. Other temporary freestanding signs shall be limited to a period not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

*Specifications:* Sign area – 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height – six (6) feet maximum, **excepting feather flag signs which may be no higher than ten (10) feet maximum.** When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith be, and the same are, repealed to the extent of such conflict but not further or otherwise.

BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date of its final passage, the public welfare requiring it.

Passed on first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

Passed on second and final reading the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

**ORDINANCE NO. 3527**

**BEING AN ORDINANCE OF THE CITY COUNCIL OF  
MORRISTOWN, TENNESSEE, DELETING TITLE 9, CHAPTER 6  
{JUNK YARDS AND AUTOMOBILE GRAVEYARDS} OF THE  
MORRISTOWN MUNICIPAL CODE.**

Be it ordained by the City Council for the City of Morristown that the text of Title 9, Chapter 6 of the Morristown Municipal Code is deleted in its entirety.

This ordinance shall take effect upon second and final reading, the public welfare requiring same.

PASSED ON FIRST READING THIS THE 20<sup>TH</sup> DAY OF OCTOBER, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 3<sup>RD</sup> DAY OF  
NOVEMBER, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY ADMINISTRATOR

**ORDINANCE NO. 3528**  
**BEING AN ORDINANCE OF THE CITY COUNCIL OF**  
**MORRISTOWN, TENNESSEE AMENDING TITLE 13, CHAPTER 1**  
**OF THE MORRISTOWN MUNICIPAL CODE.**

Be it ordained by the City Council for the City of Morristown that the text of Chapter 1 of Title 13 of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

**“CHAPTER 1**

**GENERAL PROPERTY MAINTENANCE**

**SECTION**

- 13-101. Health officer and Codes Enforcement Officer.
- 13-102. Smoke, soot, cinder, etc.
- 13-103. Stagnant water.
- 13-104. Weeds and grass.
- 13-105. Removal of vegetation and debris from certain lots.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. House trailers.
- 13-109. Junked yards and Automobile Graveyards.

13-101. Health officer and Codes Enforcement Officer. The "health officer" and "Codes Enforcement Officer" shall be such city, county, or state officer(s) as the city administrator shall appoint or designate to administer and enforce health and sanitation regulations and/or municipal code sections within the city. (1979 Code, § 8-101, as replaced by Ord. #3429, Nov. 2011)

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<sup>1</sup>Municipal code references

- Animal control: title 10.
- Littering streets, etc.: § 16-107.
- Toilet facilities in beer places: § 8-213(12).
- Wastewater treatment: title 18, chapter 2.

Charter references

- Contagious disease control: § 5(4).
- General health, nuisances, etc.: § 5(6).
- Inspection of food and drink: § 5(18).
- Inspection of lard, butter, etc.; regulation of vending of meats and vegetables: § 5(19)
- Milk and dairy products: § 5(28).
- Sewer connections; authority to prohibit cesspools, privies, etc.: § 5(27).

13-102. Smoke, soot, cinder, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1979 Code, § 8-104, as replaced by Ord. #3429, Nov. 2011)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1979 Code, § 8-106, as replaced by Ord. #3429, Nov. 2011)

13-104. Weeds and grass. It is unlawful for the owner, lienholder, occupant or any person or persons, agent, firm, corporation, other legal entity, lessee, or agent having control or management of any real property within the city to permit, allow or maintain grass, weeds or uncultivated vegetation exceeding a height of twelve (12) inches or more above the ground and such a condition is hereby declared to be a public nuisance. It is a duty to cut or remove grass, weeds or uncultivated vegetation from the real property including up to and along the traveled portion of the street or public right of way. It shall be unlawful for any person to fail to comply with an order by the city codes enforcement or health officer to cut or remove such vegetation. (Referenced and adopted from The International Property Maintenance Code, 2012 Edition, published by the International Code Council, Inc.)

13-105. Removal of vegetation and debris from certain lots.

(1) (a) Real property means any improved land, unimproved land, graveled areas, private roadways, driveways or premises. Owners are required to maintain their property in such a manner as to not endanger the health, safety or welfare of other citizens, or creates such conditions where such growth provides a harbor for rats, mosquitos or other vermin.

(b) Grass, weeds and uncultivated vegetation means and includes all weeds, grasses, plants, bushes, vines, poison oak, poison ivy and other vegetation not cultivated, whether living or dead, except vegetation for the purpose of conservation or preventing erosion, trees, ornamental shrubbery, ornamental grass, flowers, garden vegetables or other plants or vegetables customarily planted and/or cultivated by farmers or gardeners.

(c) Notwithstanding any other requirements and conditions set out in this section, no owner, lienholder, occupant or any person or persons, agent, firm, corporation, other legal entity, lessee or agent having control or management of any land or premises shall allow or permit any plant growth of any sort to remain in such a manner as to render the streets, alleys, sidewalks or public ways adjoining said land or premises unsafe for public travel or in any manner so as to impede pedestrian or vehicular traffic upon any public street, alley, sidewalk or public way.

(2) (a) Upon failure of any owner of property within the city to cut, have cut or remove such growth of grass, weeds and uncultivated vegetation or to remove or have removed such accumulations of debris, trash, litter, garbage, refuse or other materials as described herein, it shall be the duty of the codes enforcement officer, or such other persons as are designated, to serve notice on the owner, lessee, occupant or person having control of such real property, ordering the person to remedy the condition within ten (10) days, including weekends, of the service of such notice; provided, however, that, if the person who is the owner of record of the property is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage or other materials, then the notice required under this section shall allow such owner of record twenty (20) days, excluding Saturdays, Sundays and legal holidays, to comply with the order. Such notice may be served by any one (1) or more of the following methods:

(i) Personally delivering the notice to the owner, lessee, occupant or person having control of such real property;

(ii) Mailing the notice to the last known address of such owner, lessee, occupant or person having control of such property by first class, United States mail; or

(iii) Posting the notice on the property on which such conditions described exist.

(b) Service of notice by any of the methods set out in subsection (a) of this section shall be due notice within the meaning of this article; provided, however, that no owner out of possession shall be liable to the penalty imposed of this code unless there shall be personal service of such notice upon him or such notice mailed to him by first class, United States mail as provided in this section.

(c) For purposes of this section, service of notice shall occur:

(i) If notice is personally delivered to the owner, lessee, occupant or person having control of such property, on the date such delivery is made;

(ii) If notice is mailed to the last known address of the owner, lessee, occupant or person having control of such property, three (3) days after the notice is deposited in the mail, properly addressed and with sufficient postage to carry it to its destination; or

(iii) If notice is posted on the property, on the date the notice is posted.

(d) The notice required under this section shall state that the owner, lessee, occupant or other person having control of such property is entitled to a hearing. The notice shall be written in plain language and shall also include but not be limited to the following elements:

(i) A brief statement of this article, which shall contain the consequences of failing to remedy the noted condition;



(ii) The person, office, address and telephone number of the department or person giving notice;

(iii) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. Failure to make the request within the time specified in this article shall, without exception, constitute a waiver of the right to a hearing.

(3) Appeals. Any owner, lessee, occupant or person having control of property aggrieved by the determination and order of an officer under this article may appeal therefrom to the city administrator, or such other person as is designated, within ten (10) days from the date of service of the notice; provided, however, that if the owner of record of any such aggrieved property is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage or other materials such appeal may be taken within twenty (20) days from the date of the service of the notice. Such appeal shall be taken by filing with the administrator a notice of appeal stating in brief and concise form the grounds therefor. The administrator shall hear and determine such appeal as promptly as practicable, but within ten (10) calendar days of the filing of the appeal, except upon written application for an extension of time by the appellant, who shall recite reasons satisfactory to the administrator before such extension may be granted. The administrator shall have the power to affirm, reverse or modify the order of the officer. The administrator's decision, together with the reasons therefor, shall be in writing and maintained as a public record. An owner, lessee, occupant or person having control of the property who fails, refuses or neglects to comply with the order of the officer, as modified by the administrator, shall be in violation of the provisions of this article. Appeal from the decision of the administrator shall be provided by law in cases or certiorari.

(4) (a) If the owner or such other person described in section 13-104 shall fail to remedy such conditions within the time prescribed in that section, unless an appeal is made, the codes enforcement officer shall take such action as is necessary to remedy the conditions and abate the nuisance and the total cost to be billed to the owner. Upon failure of the owner to remit to the director of finance the amount of such charge within sixty (60) days from the date of such notice, a ten percent (10%) penalty and filing fees for the lien shall be added and the total amount of the bill and the penalty shall be certified to the director of finance by the codes enforcement officer and shall constitute a lien upon the property for which the expenditure is made.

(b) The city Codes Enforcement Officer shall:

(i) Certify the cost to the city tax collector, who shall place the cost upon the tax rolls as a lien upon the affected property, which cost shall then be collected in the same manner as the city taxes are collected; and

(ii) Note the lien in favor of the city and against the affected property by filing a lien against the property in the office of the register of deeds for the county in the same manner as other liens are required to be filed.

(c) The lien granted by this section may be enforced 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.

(d) No collection of costs may proceed against the owner of an owner-occupied residential property, including the filing of the liens referenced in section (b), until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00).

(e) In addition to the foregoing provisions, any person violating any of the provisions of this chapter shall be liable for a civil penalty not to exceed seventy-six dollars (\$76.00). Each day any violation of this code or of any ordinance shall continue, shall constitute a separate offense for which the person in violation shall be liable.

(f) (1) The lien granted by this section shall be extinguished upon the payment to the city of all amounts owing hereunder, upon a finding that the lien was placed in error, or by operation of law.

(2) The lien granted by this section may also be forgiven and released by agreement of the city administrator and the city attorney for extraordinary cause, including but not limited to the following reasons:

(A) Upon a showing, by a prospective purchaser for value or prospective transferee of a lot encumbered by a lien or liens granted by this section, that the aggregate value of such liens against a lot exceeds the appraised value of the lot and that the purchaser or transferee will purchase or accept the lot if the liens are forgiven or reduced; or

(B) Upon a showing by a prospective purchaser for value or prospective transferee of a lot encumbered by a lien or liens granted by this section that the purchaser or transferee has a reasonable plan to redevelop the lot supportive of and compatible with existing neighborhood design. In such case, the purchaser or transferee shall provide a written physical and financial plan including a project budget and schedule for redevelopment to the city administrator and the city attorney. This plan shall show that lien forgiveness or reduction is necessary to the redevelopment plan, and shall show that the lot will be transferred to the purchaser or transferee if the liens are forgiven or reduced.

(g) Forgiveness and release of such liens shall be at the sole discretion of the city administrator and the city attorney. It shall be the burden of any person seeking the forgiveness and release of any such liens to prove to the satisfaction of the city administrator and the city attorney that the conditions of subsections (f)(1) or (f)(2) exist.

(5) Service fee for lot mowing.

(a) Payment rates for said services shall be two hundred fifty dollars (\$250.00) per hour with a minimum payment of one hundred twenty five dollars (\$125.00).

(b) Mowing services shall be charged in thirty (30) minute time periods, with any portion of a period charged as a full thirty (30) minutes.

(6) Exceptions. Notwithstanding the requirements set forth in this article, the following shall be exempt from the provisions of this article:

(a) Undeveloped wooded areas where tree growth is in excess of ten (10) feet in height.

(b) All government-owned land or premises, and street rights-of-way.

(c) Streambeds or banks.

(d) Heavily wooded parcels of land or premises that are densely wooded with trees, shrubs and overgrowth where equipment cannot maneuver due to the density of the area.

(e) Slopes covered with vegetation as recommended by the state agricultural extension service for the purpose of conservation or preventing erosion.

(f) Portion of land or premises, excluding the curtilage of any dwelling located thereon, that, due to steepness of terrain, rock or rock outcroppings, marshes or wetlands, cannot be mowed using wheeled, motorized equipment, unless such vegetative growth is an immediate threat to the health or safety of life or property.

(g) Land or premises zoned for agricultural use or that is actively and legitimately used for agricultural purposes, such as, but not limited to, mowing hay, pasture, gardens or field crops.

(h) Periods of active construction and/or demolition, which is defined as the time when the Land Disturbance and/or Demolition Permit is issued and for a period of six (6) months thereafter. If the construction is still in active development after the initial six (6) month period, the developer can request an extension for an additional six (6) months by contacting the City Administrator or his designee.

(i) Public and private country clubs and golf courses.

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1979 Code, § 8-110, as amended by Ord. #2612, Dec. 1990, and replaced by Ord. #3429, Nov. 2011)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use of occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the

annoyance of people residing within the vicinity. (1979 Code, § 8-111, as replaced by Ord. #3429, Nov. 2011)

13-108. House trailers. A house trailer is defined as a trailer fitted with accommodations for sleeping, eating, washing, etc., including but not limited to mobile homes, campers, and recreational vehicles, but excluding double-wide manufactured homes. It shall be unlawful for any person to locate and occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefore shall have been first duly issued by the building official, as provided for in the building code. Reference City Zoning Ordinances: Habitation of Accessory Residential Dwelling Section 14-214 and Mobile Homes on Individual Lots Section 14-215. (1979 Code, § 8-112, as replaced by Ord. #3429, Nov. 2011)

13-109. Junked yards and Automobile Graveyards. (A) Junked yards are prohibited within the corporate limits of the City of Morristown and it shall be unlawful for an owner or occupant of property within the corporate limits to maintain a junked yard as defined herein. For the purpose of the interpretation and application of this section, the following words and phrases have the indicated meanings:

(1) "Automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found. "Automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal produce is scrap iron, steel, or nonferrous scrap for sale for re-melting purposes only.

(2) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous metal.

(3) "Junkyard" shall mean an establishment or place of business that is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard. "Junkyard" includes scrap metal processors, car crushing sites, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation, when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills. For purposes of this chapter, a "recycling center" shall not be a "junkyard".

(4) "Person" shall mean any natural person, or any firm, partnership, association, corporation, or other organization of any kind and description.

(5) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.



(6) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for storing, keeping, buying or selling of newspaper, or used food or used beverage containers for the purpose of converting such items into a useable product.

(7) "Residential yard nuisance" shall mean any condition or use of residential yards which is detrimental to the property of others, or which causes or tends to substantially diminish the value of other property in the neighborhood in which such yards are located. This includes, but is not limited to, the keeping or maintaining or depositing on or scattering over such yards of any of the following:

- (a) Lumber, junk, trash, or debris;
- (b) Abandoned, discarded or unused objects or equipment such as furniture, appliances, cans, tires, or containers;
- (c) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance;
- (d) **Garbage and unsanitary matter on premises unless such material is retained in containers, garbage pails or vessels which deny access to flies, insects, rodents and animals. Garbage can only be stored outside in mechanically-handled containers (MHC) provided by the City of Morristown for garbage collection and then only for the purpose of such collection.**
- (e) Abandoned wells, cisterns, shafts, basements, excavations, sinkholes, mounds of gravel or earth, junk vehicles, structurally unsound structures or fences, trash, debris or vegetation; and
- (f) Container units or garbage cans that have failed to be maintained in good repair, clean and well painted.
- (g) Or as stated within the city's adopted housing code.

(8) "Right-of-way" shall mean a portion of land dedicated for placement of a street, road, thoroughfare or crosswalk, utilities, drainage facilities, and/or similar uses and designated by means of a right-of-way line or description of boundaries.

(9) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or in cases where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(10) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(a) "Vehicle, abandoned" shall mean any motor vehicle whose last registered owner of record has relinquished all further dominion and control, or any vehicle that is wrecked or partially dismantled or inoperable for a period

of ten (10) days. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of such vehicle remains in the technical custody or control of such owner, if it has remained inoperable or partially dismantled, or if the owner has relinquished dominion or control of such vehicle, for ten (10) days.

(b) "Vehicle, junk" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either make the vehicle not immediately operable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows;

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever;

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor, or fuel injection system, spark plugs, or radiator;

(vi) Interior is a container for metal, glass, paper, rags, or other cloth, wood, auto parts, machinery, waste, or discarded materials in such quantity, quality, and arrangement that a driver cannot be properly seated in the vehicle;

(vii) Lying on the ground (upside down, on its side, or at any other extreme angle) sitting on block or suspended in the air by any other method;

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(ix) Unregistered and in public view. (1979 Code, § 5-601, as replaced by Ord. #3113, Sept. 2002)

(B) Violations, civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and/or in any manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any

period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To establish, operate, or maintain a junkyard and/or an automobile graveyard that does not meet the City of Morristown's zoning requirements, and/or meets the requirements of Tennessee Code Annotated, title 7, chapter 51, and/or title 54, chapter 20, and/or title 55, chapter 16.

(4) To park, store, keep, and maintain on private property a junk vehicle.

(5) To create any residential yard nuisance, as defined in this chapter. (1979 Code, § 5-602, as replaced by Ord. #3113, Sept. 2002)

(C) Exceptions. (1) It shall be permissible for a person to park, store, keep, and maintain a junked vehicle on private property under the following conditions:

(a) The junked vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking or towing of vehicles. However, this exception shall not exempt the owner or operator of any such business from any other regulations governing business engaged in wrecking or towing vehicles.

(i) The outside storage area of abandoned and/or junked vehicles of any business that is engaged in the wrecking or towing of vehicles must be completely screened (opaque) from all adjacent properties and any road right-of-ways (public or private).

(ii) The screening can be a solid wall that is at least six (6) feet high, or a two-tiered, staggered tree landscaping, or a combination of the tree landscaping and the solid wall.

(iii) For any wrecker or towing business (that is within the City of Morristown) that is on the City of Morristown's rotation cycle, must come into compliance with the opaque screening as stated above, within one year of the adoption of this chapter. If a business does not wish to comply with these provisions, then that business shall be removed from the City of Morristown's rotation cycle.

(iv) Any new wrecker or towing business shall comply with this chapter and any other applicable zoning ordinances prior to being added to the city's rotation cycle.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat, as determined by the city administrator or his designee, to the health and safety of citizens of the city. (1979 Code, § 5-603, as replaced by Ord. #3113, Sept. 2002)

(D) Enforcement. (1) Pursuant to Tennessee Code Annotated, title 7, chapter 51, and/or title 54, chapter 20, and/or title 55, chapter 16, the city administrator, or his appointed designee, shall upon the complaint of any citizen, or acting on his own information, investigate complaints of abandoned and/or junked vehicles on private property. The city administrator, or his appointed designee, shall give, or cause to be given, notice to the registered owner of any motor vehicle which is in violation of this chapter, and he shall give such notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located, advising that such motor vehicle violations this chapter and directing that such motor vehicle be moved to a place of lawful storage within ten (10) days. Such notice shall be served upon the owner of the vehicle by leaving a copy of such notice on or within the vehicle.

(2) Notice to the property owner on whose property such motor vehicle is located may be served by conspicuously posting such notice upon the premises.

(3) In the case of abandoned and/or junk vehicles on publicly owned property, notice to the property owner by the City of Morristown is not required. (1979 Code, § 5-604, as replaced by Ord. #3113, Sept. 2002)

(E) Failure to remove. The owner of any abandoned and/or junked vehicle who fails, neglects or refuses to remove such vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of the previous section shall be guilty of a misdemeanor. (1979 Code, § 5-605, as replaced by Ord. #3113, Sept. 2002)

(F) Abatement and removal by city. If the vehicle is not disposed of after the time provided for in the notice, the city administrator or his designee shall report the location of such vehicle to a wrecker/towing company, designated by rotation, and shall then remove such vehicle or cause it to be removed to the wrecker/towing service's storage area. At the time that the vehicle is removed by the police department using the wrecker/towing company assigned, a tow-in ticket shall be completed by the person towing such vehicle. (as added by Ord. #3113, Sept. 2002)

(G) Removal and storage. Abandoned and/or junked vehicles shall be transported from the property where they are found to the assigned wrecker/towing storage area only during daylight hours. (as added by Ord. #3113, Sept. 2002)



(H) Return of vehicle and/or personal property to the owner (1) When the vehicle is towed to a towing/wrecker service property, used car dealership/lot, or other private property, and the owner of the vehicle demands for the return of his vehicle, and/or any personal property within the vehicle, then the owner of the vehicle shall pay any fines, storage, and tow-in fees to the owner of the property where the vehicle was towed. (as added by Ord. #3113, Sept. 2002)

(I) Abandoned and/or junked vehicle towed to a towing/wrecker service property. In cases where an abandoned and/or junked vehicle is towed to a towing and/or wrecker service property and the vehicle has not been claimed, the owner of the service shall follow all state laws that pertain to abandoned vehicles. (as added by Ord. #3113, Sept. 2002)

(J) Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of seventy-six dollars (\$76.00) and costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #3113, Sept. 2002)

(K) This article is referenced and adopted from The International Property Maintenance Code, 2012 Edition, published by the International Code Council, Inc.”

This ordinance shall take effect upon second and final reading, the public welfare requiring same.

PASSED ON FIRST READING THIS THE 20<sup>TH</sup> DAY OF OCTOBER, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 3<sup>RD</sup> DAY OF NOVEMBER, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

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CITY ADMINISTRATOR

**ORDINANCE NO. 3529**  
**BEING AN ORDINANCE OF THE CITY COUNCIL OF**  
**MORRISTOWN, TENNESSEE AMENDING TITLE 17 OF THE**  
**MORRISTOWN MUNICIPAL CODE.**

Be it ordained by the City Council for the City of Morristown that the text of Title 17 of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

“TITLE 17

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

CHAPTER

1. REFUSE STORAGE AND COLLECTION

CHAPTER 1

REFUSE STORAGE AND COLLECTION

SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept in clean and sanitary condition.
- 17-103. Containers required; specifications; location; cleanliness.
- 17-104. Confiscation of unsuitable containers.
- 17-105. Disposition of wet garbage, leaves, light brush, lawn clippings, etc.
- 17-106. Bulk Waste Regulations.
- 17-107. Permit required for collecting refuse.
- 17-108. Maximum intervals for refuse collection.
- 17-109. Vehicle requirements.
- 17-110. Fees established, collection rules and regulations.
- 17-111. Depositing garbage, etc., on streets, etc., prohibited.
- 17-112. Service of orders by the public works department.
- 17-113. Penalties for violation of this ordinance.

17-101. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) “Ashes.” Such term shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(2) “Bulk Waste”. Such term shall mean furniture, bedding, appliances, and other refuse items that, by their size, shape, or weight, cannot be placed in a city provided container. This term specifically excludes construction waste.

<sup>1</sup>Municipal code reference

Property maintenance regulations: Title 13.

(3) "Construction Waste." Such term shall mean materials from building construction, demolition, remodeling, or construction site preparation, including, but not limited to rocks, stumps, bricks, dirt, plaster, wood, roofing, and all types of building scrap materials.

(4) "Collector." Such term shall mean any person who collects, transports, or disposes of any refuse within the city.

(5) "Director." Such term shall mean the director of the Department of Public Works of the City.

(6) "Garbage." Such term shall include all household wastes, including, but not limited to, food waste, bottles, waste paper, cans, clothing, and general refuse. It shall exclude yard waste, construction waste, hazardous waste, human or animal excreta or fecal matter, dead animals, and bulk waste.

(7) "Hazardous Waste." Such term shall include any chemical, compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property or persons by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive or otherwise harmful, as defined by the state in its statutes and regulations regarding hazardous waste.

(8) "Health officer and Codes Enforcement Officer." The "health officer" and "Codes Enforcement Officer" shall be such city, county, or state officer(s) as the city administrator shall appoint or designate to administer and enforce health and sanitation regulations and/or municipal code sections within the city.

(9) "Industrial Waste." Such term shall mean all wastes peculiar to industrial, manufacturing or processing plants.

(10) "Litter." Such term means all garbage, refuse, trash and all other waste material which, if thrown, deposited or left unattended as prohibited in this chapter, tends to create a danger to the public health, safety, and welfare.

(11) The term "Mechanically-Handled Container" or "MHC" shall mean those containers distributed by the city for refuse collection.

(12) "Nonresidential service." Such term means service to all service areas in the city, such service area being as defined by the Director, except those locations specified under residential service. Nonresidential service locations shall include but are not limited to federal, state, county and municipal government locations, universities and colleges, hospitals, lodges, clubs, labor unions, schools and churches, apartment complexes of five (5) or more units, and trailer park complexes of five (5) or more units, as well as business, commercial, industrial and office establishments. Classification as a nonresidential service location shall normally preclude classification as a residential service location.

(13) "Person" shall include any natural person, association, partnership, firm or corporation.

(14) "Recyclable material." Such term shall mean solid waste or waste materials capable of being made into other materials or products for materials, to include plastics, glass, aluminum, steel, newspaper, mixed paper, cardboard and other materials as identified by the Public Works Department.

(15) "Refuse." Such term shall include all garbage, rubbish, ashes, and all other putrescible and nonputrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce, and other similar unwanted materials, but shall not

include sewage, body wastes, or recognizable industrial by-products, from all residences and establishments, public and private.

(16) "Residential service." Such term means service to single- or multiple-family dwelling units up to and including apartment complexes of four (4) units or less, and service to trailer park complexes of four (4) units or less.

(17) "Small commercial unit" shall mean any commercial unit requiring less than five (5) MHCs.

(18) "Yard Waste." Such term shall mean grass clippings, leaves, tree and shrubbery trimmings and other related yard waste materials accumulated by the property resident. It does not include land clearing operations or stump and other materials cut by private enterprise or professional tree trimmer. (1979 Code, § 8-201, as amended by Ord. #2511, Aug. 1987, and replaced by Ord. #3395, June 2010)

17-102. Premises to be kept in clean and sanitary condition. All persons within the city shall keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons shall store such refuse between intervals of collection or dispose of such materials in an MHC or other manner as may be prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (1979 Code, § 8-202, as replaced by Ord. #3395, June 2010)

17-103. Containers required; specifications; location; cleanliness.

(1) Each owner, occupant, tenant, subtenant, lessee, or others using or occupying any building, house, structure, or grounds within the corporate limits of the city where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, shall use an adequate number of MHCs for the storage of such refuse, or where capacity of the permitted number of MHCs is inadequate, use a commercially supplied container approved by the city's health officer. Each MHC shall not weigh more than fifty (50) pounds when full.

(2) Mechanically-handled containers. The refuse collection agency of the city is equipped to only handle containers mechanically. These MHCs shall be used by all persons from whom trash is collected, except for those persons qualifying for opting out of the city's plan as described in § 17-110. MHCs damaged through no fault of the city will not be replaced without charge. (1979 Code, § 8-203, as replaced by Ord. #3395, June 2010)

17-104. Confiscation of unsuitable containers. The official refuse collecting agency of the city is herein authorized to confiscate or to remove unapproved storage containers from the premises of residences and establishments, public and private, when, at the discretion of the inspections department, such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owners of such containers have been duly notified of such impending action. (1979 Code, § 8-204, as replaced by Ord. #3395, June 2010)

17-105. Disposition of wet garbage, leaves, light brush, lawn clippings, etc. Wet garbage. Wet garbage or refuse must be drained of all liquids and wrapped in paper or other suitable material prior to placing it in an MHC. (Ord. #2511, Aug. 1987, as replaced by Ord. #3395, June 2010)

17-106. Bulk Waste Regulations.

(1) Residential bulk waste shall include stoves, refrigerators, water tanks, washer/dryers, furniture or similar bulky items having a weight greater than fifty (50) pounds or a volume greater than thirty-two (32) gallons. Residential bulky trash will be collected on a schedule determined by the director or his/her designee. Such refuse shall be kept separate from yard waste and shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch, alley or street line if there is no curb, without blocking the roadway or any sidewalk or drainage ditch. Bulky trash may be put out for collection only on the property where it was generated. It may not be put out prior to the day before scheduled collection and must be out by 7:00 a.m. of that day.

(a) Bulky waste collection service is provided for residential properties only. Nonresidential generators are responsible for solid waste removal from their property to a permitted disposal site.

(b) The size of the pile of bulk waste placed for the city to pick up shall be no larger than five (5) feet long, three (3) feet tall, and four (4) feet wide.

(c) Bulky waste placed for collection at times other than designated by this section or in violation of any other section of this chapter shall be in violation and shall be subject to the penalties set forth in section 17-113 of this chapter.

(2) Residential yard waste shall include brush, leaves, grass cuttings and garden trimmings, weeds, and roots from which all dirt has been removed. Residential yard waste, not including brush and leaves, shall be deposited in disposable containers or in an MHC, provided that such refuse is loose in the container and not tightly compacted so to cause difficulty to the collector in removing the trash from said container. Each property owner within the limits of the city shall be entitled to have brush and leaves collected from each parcel of real property owned by him on a regular basis as designated by the Director; provided that any such pickup will be refused unless the property owner, his agent or tenant in charge of the premises shall comply with the following conditions:

(a) No garbage, refuse, bulky trash, or demolition materials is to be intermingled with the leaves, brush or branches to be collected.

(b) All leaves, brush or branches authorized for collection shall be placed as near as practicable to the roadway to the roadway in front of the premises without blocking the roadway or any sidewalk or drainage ditch.

(c) All brush or branches to be collected shall be sized so that no such branch exceeds ten (10) feet in length or twelve (12) inches in diameter. Stumps will not be collected.

(d) None of the provisions of this section shall apply to branches cut or trimmed from trees by any person engaged in the profession of tree trimming or branches that have been left on premises in violation of any applicable sections of this chapter or to any yard waste not resulting from the normal and routine maintenance of a yard, grounds, or residence. The business, contractor, or professional person shall be held responsible for any waste generated from performing this type of work on any property in the city. No waste from any service is permitted to be placed at the roadside.

(e) None of the provisions of this section shall apply to yard waste generated on a commercial property, nonresidential property, or by a business of any kind. Nor does it include yard waste generated from lot development or leveling and grading activities associated with new construction.



(3) Construction waste such as scrap lumber, plaster, roofing, concrete resulting from construction, repair, remodeling or demolition of any building or appurtenances on private property generated by a contractor or professional will not be removed by the Department of Public Works, and the owner must cause such materials and waste to be privately removed.

(4) Industrial waste and hazardous waste shall be disposed of by the industry, manufacturer or processing plant generating such waste under such methods and conditions as shall be approved by the state.

(5) Prohibited substances and practices. The following substances are prohibited and shall not be deposited in containers serviced by the city or its contractor:

(a) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.

(b) All pathogenic and radioactive waste, which shall be disposed of by the institution generating such waste under conditions as shall be approved by the state.

(c) Any material that could be hazardous or injurious to city employees or their contractor and/or could cause damage to city or their contractor's equipment.

(d) Construction waste as defined in this section.

(e) Hot materials such as ashes, cinders, etc.

(f) Human or animal waste, unless it is placed and secured in a plastic bag or suitable paper bag.

(g) Infectious wastes as classified below:

(h) Isolation wastes. Wastes contaminated by patients who are isolated due to communicable disease as provided in the U.S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals (July 1983).

(i) Cultures and stocks of infectious agents and associated biological cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, waste from the production of biologicals, discarded lived and attenuated vaccines, and cultural dishes and devices used to transfer, inoculate, and mix cultures.

(j) Human blood and blood products. Waste human blood and blood products such as serum, plasma, and other blood components.

(k) Pathological wastes. Pathological wastes such as tissues, organs, body parts, and body fluids that are removed during surgery and/or autopsy.

(l) Discarded sharps. All discarded sharps (e.g. hypodermic needles, syringes, Pasteur pipettes, broken glass, scalpel blades) used in patient care, medical research, or industrial laboratories.

(m) Contaminated animal carcasses, body parts, and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals or in the in vitro testing of pharmaceuticals.

(n) Facility-specified wastes. Other wastes determined to be infectious by a written facility policy.

(o) Human and/or animal remains shall be prohibited from being placed in garbage containers.

(p) It shall be unlawful for any person to move, remove, reset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage, or interfere with any garbage container or bulk waste pile.

17-107. Permit required for collecting refuse. No person shall engage in the business of collecting refuse or removing the contents of any refuse container, for any purpose whatsoever, which does not possess a permit to do so from the city. Such permits may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. The City Administrator is authorized to promulgate and publish minimum standards required to qualify for such a permit. Such permits may be suspended or revoked upon the violation of any of the terms of this chapter. (1979 Code, § 8-207, as replaced by Ord. #3395, June 2010)

17-108. Maximum intervals for refuse collection. All refuse shall be collected frequently to prevent the occurrence of nuisances and public health problems. Such collections shall normally be made at regularly scheduled intervals of not less than once each week. The collection of refuse within the city shall be under the direct supervision of the city administrator or his authorized representative. (1979 Code, § 8-208, as replaced by Ord. #3395, June 2010)

17-109. Vehicle requirements. The collection of refuse shall be by means of city vehicles, or in the case of private collectors and haulers, with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds. (1979 Code, § 8-209, as replaced by Ord. #3395, June 2010)

17-110. Fees established, collection rules and regulations. (1) Fee established. There is hereby established a residential, nonresidential and small commercial garbage service user fee to be charged to and collected from each household unit and small commercial unit in the city of Morristown, Tennessee on a monthly basis.

(2) Fee amount. The residential and small commercial garbage service user fee is established at the rate of ten dollars (\$10.00) per month per MHC located at the premises.

(3) Excluded service. The city will not provide garbage collection for industrial or large commercial units.

(4) Placement of MHCs. All refuse must be placed in the MHC at the curb of a public city street prior to 7:30 A.M. on the designated collection day and removed the same day.

(5) Provision of MHCs. One (1) MHC will be furnished at no cost and additional MHCs may be purchased, all as shown in the following table. If the allowable number of MHCs is insufficient to service the unit(s), then the unit(s) must contract with a permitted collection hauler for collection service. The following table shows the number of MHCs furnished by the city and the number of MHCs which may be purchased for the various units.



<u>CUSTOMER</u>	<u>FURNISHED</u>	<u>PURCHASE</u>
Single family, town homes, separately-owned condominiums	1	1
Small commercial	1	3
2, 3, or 4 unit structures	2	2
5 or 6 unit structures	3	3
7 or 8 unit structures	4	4
9 or 10 unit structures	5	5

The maximum number of MHCs, including purchased MHCs, at a single structure multi-family dwelling or mobile home park, shall not exceed ten (10) carts. Multi-family dwellings within the same complex under separate ownership will be considered as separate structures. For example, if three (3) ten (10) unit structures are located in one (1) complex and each is separately owned, then fifteen (15) MHCs would be furnished. (1979 Code, § 8-210, as replaced by Ord. #3395, June 2010)

17-111. Depositing garbage, etc., on streets, etc., prohibited. No person shall throw any garbage or other vegetable matter on any of the streets or other public places of the city. (1979 Code, § 8-212, as replaced by Ord. #3395, June 2010)

17-112. Service of orders by the Public Works Department. It shall be the duty of the public works department to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants, or lessees of such properties where violations of this chapter are known to exist. Such orders shall provide that such violations be corrected within the time specified by the inspections department. (1979 Code, § 8-213, as replaced by Ord. #3395, June 2010)

17-113. Penalties for violations of this ordinance.

(1) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and punished as provided in the general provisions of the City Code. Each day that a continuing violation of this chapter is maintained or permitted to remain shall constitute a separate offense.

(2) Any person violating the provisions of this chapter may be assessed a civil penalty by the city not to exceed seventy-six dollars (\$76.00) per day and the repayment of administration costs incident to the correction of the municipal violation up to five hundred dollars (\$500.00) for each day of violation. Each day of violation shall constitute a separate offense for which the person in violation will be liable.

(3) In addition to the civil penalty in subsection (b) above, the city may recover all damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations and enforcing violations of this chapter.

(4) The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or in equity, shall be no defense to any such actions.

(5) The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.”

This ordinance shall take effect upon second and final reading, the public welfare requiring same.

PASSED ON FIRST READING THIS THE 20<sup>TH</sup> DAY OF OCTOBER, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 3<sup>rd</sup> DAY OF NOVEMBER, 2015.

\_\_\_\_\_  
MAYOR

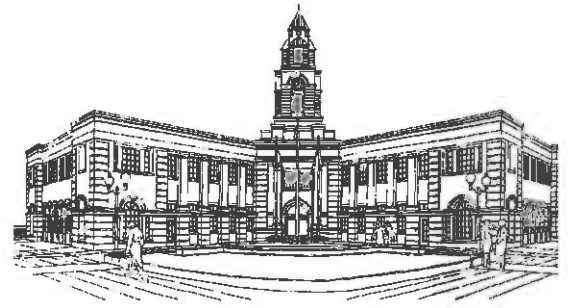
ATTEST:

\_\_\_\_\_  
CITY ADMINISTRATOR

# Morristown Police Department

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ROGER OVERHOLT  
Chief of Police



## MEMORANDUM

To: Mayor Gary Chesney  
City Council Members

From: Chief Roger D. Overholt *RDO*

Date: October 29, 2015

Re: Promotions

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I am requesting that I be allowed to make promotions to the below listed positions. Please see the attached Civil Service Eligibility Rosters.

- Detective Captain
- Detective Sergeant
- Detective Corporal
- Detective
- Patrol Sergeant
- Patrol Corporal
- Support Services Corporal

Thank you for your assistance in this matter. If you have any questions regarding this, please contact my office.

RDO/ll

## CIVIL SERVICE BOARD

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PO BOX 1499 MORRISTOWN, TN 37816

### Police Department Roster – *Detective Captain*

UPDATED ON JULY 14, 2015 TO REFLECT RECENT TESTING, HIRING AND/OR CORRECTIONS

<u>Name</u>	<u>Expires</u>
1. Chris Blair	January 31, 2017

For the Civil Service Board:



Doug McDonald, Chairman

7/14/15

Date

# CIVIL SERVICE BOARD

PO BOX 1409 MORRISTOWN, TN 37816

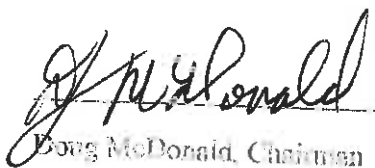
## Police Department Defective Sergeant Roster

REVISED ON NOVEMBER 11, 2014 TO REFLECT PROMOTIONS AND/OR CORRECTIONS

<u>Name</u>	<u>Expires</u>
1. Bob Ellis	June 2015
2. Travis Stensell	February 2016
3. Mike O'Keefe	June 2015
4. Jackie Everhart	June 2015
5. Tracy Bowman	June 2015
6. Ren Sargent	June 2015
7. Darren Burchfield	February 2016

NO LONGER  
CURRENT

For the Civil Service Board:

  
Doug McDonald, Chairman

11/11/14  
Date



## CIVIL SERVICE BOARD

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PO BOX 1499 MORRISTOWN, TN 37816

### Police Department Roster – *Detective Corporal*

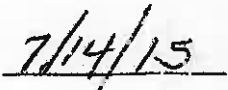
UPDATED ON JULY 14, 2015 TO REFLECT RECENT TESTING, HIRING AND/OR CORRECTIONS

<u>Name</u>	<u>Expires</u>
1. Travis Stansell	February 28, 2016
2. Ron Sargent	January 31, 2017
3. Ricky Sanders	January 31, 2017
4. Darrin Burchfield	January 31, 2017

For the Civil Service Board:



Doug McDonald, Chairman



Date

## CIVIL SERVICE BOARD

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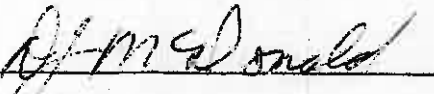
PO BOX 1499 MORRISTOWN, TN 37816

### Police Department Roster – *Detective*

UPDATED ON JULY 14, 2015 TO REFLECT RECENT TESTING, HIRING AND/OR CORRECTIONS

<u>Name</u>	<u>Expires</u>
1. Mike Bacon	January 31, 2017
2. Michael Morrison	January 31, 2017
3. Blake Zion	January 31, 2017
4. Pete Shockley	January 31, 2017
5. Brad Rice	January 31, 2017
6. Dustin Jones	January 31, 2017
7. Drew Cothorn	February 28, 2016
8. Michael Voccola	January 31, 2017

For the Civil Service Board:

  
Doug McDonald, Chairman

7/14/15  
Date

## CIVIL SERVICE BOARD

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PO BOX 1499 MORRISTOWN, TN 37816

### Police Department Roster – *Sergeant*

UPDATED ON JULY 14, 2015 TO REFLECT RECENT TESTING, HIRING AND/OR CORRECTIONS

<u>Name</u>	<u>Expires</u>
1. Brian Sulfridge	February 28, 2016
2. Travis Stansell	January 31, 2017
3. Todd Davidson	January 31, 2017
4. Craig Jarnagin	January 31, 2017
5. Jason Young	February 28, 2016
6. Brad Rice	January 31, 2017
7. Kenneth Hinkle	January 31, 2017
8. Pete Shockley	January 31, 2017
9. Lloyd Crocker	January 31, 2017
10. Drew Cothorn	February 28, 2016
11. Diana Morgan	January 31, 2017
12. Ron Sanchez	January 31, 2017
13. Paul Pressley	January 31, 2017

For the Civil Service Board:



Doug McDonald, Chairman

7/20/15

Date

## CIVIL SERVICE BOARD

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PO BOX 1499 MORRISTOWN, TN 37816

### Police Department Roster – *Corporal* – Patrol

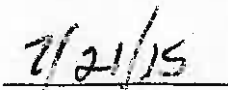
UPDATED ON JULY 14, 2015 TO REFLECT RECENT TESTING, HIRING AND/OR CORRECTIONS

<u>Name</u>	<u>Expires</u>
1. Craig Jarnagin	January 31, 2017
2. Lloyd Crocker	January 31, 2017
3. Brad Rice	January 31, 2017
4. Brad Jacobs	January 31, 2017
5. Drew Cothorn	February 28, 2016
6. Matt Stuart	January 31, 2017
7. Ron Sanchez	January 31, 2017
8. Brian Rinehart	January 31, 2017
9. Lucas Watson	January 31, 2017
10. Paul Pressley	January 31, 2017
11. Michael Voccola	January 31, 2017

For the Civil Service Board:



Doug McDonald, Chairman



Date

## CIVIL SERVICE BOARD

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PO BOX 1499 MORRISTOWN, TN 37816

### Police Department Roster – *Corporal* – Support Services

UPDATED ON JULY 14, 2015 TO REFLECT RECENT TESTING, HIRING AND/OR CORRECTIONS

<u>Name</u>	<u>Expires</u>
1. Travis Stansell	January 31, 2017
1. Blake Zion	January 31, 2017
2. Diana Morgan	January 31, 2017

For the Civil Service Board:

D. McDonald 7/21/15

Doug McDonald, Chairman

7/21/15

Date