

**AGENDA
CITY OF MORRISTOWN, TENNESSEE
CITY COUNCIL MEETING
OCTOBER 3, 2017 – 5:00 P.M.**

1. CALL TO ORDER

Mayor Gary Chesney

2. INVOCATION

Dr. Chris Dotson, Chaplain Unit Coordinator, Morristown Police Department

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. APPROVAL OF MINUTES

1. September 19, 2017

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. 3587

An Ordinance of the City Council of Morristown, Tennessee, Amending Title 14 (Zoning and Land Use Control), Chapter 14 (Heavy Industrial District), Section 1408 (Building Height) of the Morristown Municipal Code.

2. Ordinance No. 3588

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of Hamblen County Tennessee Tax Parcel ID# 032040E E 02400, currently addressed as 337 Central Church Road from Planned Commercial Development (PCD) to High Density Residential (R-3).}

9. NEW BUSINESS

9-a. Resolutions

9-b. Introduction and First Reading of Ordinances

1. Ordinance No. _____
Being an Ordinance of the City Council of Morristown, Tennessee
Amending Title 8 (Alcoholic Beverages), Chapter 2 (Beer) of the
Morristown Municipal Code.
{Public Hearing October 17, 2017}
2. Ordinance No. _____
Being an Ordinance of the City Council of Morristown, Tennessee
Amending Title 16 (Streets and Sidewalks, Etc.) of the Morristown
Municipal Code.
{Public Hearing October 17, 2017}

9-c. Awarding of Bids/Contracts

1. Approval of 2017 Consolidated Annual Action Plan from U.S. Department of Housing and Urban Development.
2. Approval of Bid for Runway Rehabilitation (Crack and Seal) at Airport to Ameriseal of Ohio, Inc. in the amount of \$309,656.
3. Approval of Bid for Desktop Computers to CDW Government, LLC, in the amount of \$783.94 per unit.
4. Approval of Bid for Laptop Computers to SHI International Corp. in the amount of \$1,225.90 per unit.
5. Approval of Purchase to Lamar Dunn & Associates, Inc. for General Services in the amount of \$40,000.
6. Approval of Inspection and Maintenance Agreement (I&M) between the City of Morristown and T. Phillip Carlyle for Parke Villas property.

9-d. Board/Commission Appointments

1. City Council appointment or re-appointment to the Morristown/Hamblen County Solid Waste Board for a three (3) year term to expire on October 3, 2020; term expiring John Hofer.

2. City Council confirmation of City Administrator's appointment or re-appointment to the Morristown/Hamblen County Solid Waste Disposal System, from among the Mayor and City Council, for a three (3) year term to expire on October 3, 2020; term expiring Bob Garrett.

9-e. New Issues

1. Approval of Police Departments hiring of three (3) entry-level Patrol Officers.
2. Approval of retirement for Police Dog Diego and authorize the transfer of ownership to handler Captain Dan Cliff.
3. Confirmation of Police Department disciplinary action.

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

Oct. 17, 2017	(Tues) 3:45 p.m.	Finance Committee Meeting followed by
Oct. 17, 2017	(Tues) 4:15 p.m.	Work Session – Council Agenda Review
Oct. 17, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Nov. 7, 2017	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Nov. 7, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Nov. 21, 2017	(Tues) 3:45 p.m.	Finance Committee Meeting
Nov. 21, 2017	(Tues) 4:15 p.m.	Work Session – Council Agenda Review
Nov. 21, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Nov. 23-24, 2017	(Thursday & Friday)	City Employee's Holiday, Thanksgiving
Dec. 5, 2017	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Dec. 5, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Dec. 19, 2017	(Tues) 3:45 p.m.	Finance Committee Meeting
Dec. 19, 2017	(Tues) 4:15 p.m.	Work Session – Council Agenda Review
Dec. 19, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Dec. 25, 2017	(Monday)	City Employee's Holiday Christmas
Dec. 26, 2017	(Tuesday)	City Employee's Holiday Christmas
January 1, 2017	(Monday)	City Employee's Holiday New Year's
January 2, 2017	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
January 2, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
January 15, 2017	(Monday)	City Employee's Holiday Martin Luther King Day
January 16, 2017	(Tues) 3:45 p.m.	Finance Committee Meeting
January 16, 2017	(Tues) 4:15 p.m.	Work Session – Council Agenda Review
January 16, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session

**WORK SESSION AGENDA
OCTOBER 3, 2017**

NO WORK SESSION

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
SEPTEMBER 19, 2017**

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, September 19, 2017, with the Honorable Mayor Gary Chesney, presiding and the following Councilmembers present; Bob Garrett, Chris Bivens, Kay Senter, Dennis Alvis, Ken Smith and Tommy Pedigo.

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

Councilmember Senter made a motion to approve the September 5, 2017 minutes as circulated. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Mayor Chesney recognized and welcomed the Morristown Area Chamber of Commerce Leadership Group Class of 2017.

Mayor Chesney congratulated Patrol Officer Nathan Cruey for receiving the Tennessee Office of Homeland Security First Responders Certificate and we congratulate him for that.

Councilmember Alvis made a motion to remove from the table the street naming of property off Merchants Greene Boulevard. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to name the street, to access city property off Merchants Greene, Durham Landing Boulevard. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

A Public Hearing was held relating to Ordinance No. 3586. No one spoke.

Councilmember Pedigo made a motion to approve Ordinance No. 3586 on second and final reading. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3586

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of Hamblen County Tennessee Tax Parcel ID#032042I A 01500, currently addressed as

1557 Sulphur Springs Road, from Medium Density Residential (R-2) to Intermediate Business (IB).}

A Public Hearing was held relating to Ordinance No. 3580.01. No one spoke.

Councilmember Bivens made a motion to approve Ordinance No. 3580.01 on second and final reading. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3580.01

An Ordinance to Amend Ordinance Number 3580, the City of Morristown, Tennessee Annual Budget for the Fiscal Year 2017-2018 and to appropriate additional funds totaling \$64,600 necessary to cover the costs for the replacement of the Chiller and Boilers at Morristown City Center.

Councilmember Smith made a motion to approve Ordinance No. 3587 on first reading and schedule a public hearing relative to final passage of said ordinance for October 3, 2017. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3587

An Ordinance of the City Council of Morristown, Tennessee, Amending Title 14 (Zoning and Land Use Control), Chapter 14 (Heavy Industrial District), Section 1408 (Building Height) of the Morristown Municipal Code.

Councilmember Alvis made a motion to approve Ordinance No. 3588 on first reading and schedule a public hearing relative to final passage of said ordinance for October 3, 2017. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3588

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of Hamblen County Tennessee Tax Parcel ID# 032040E E 02400, currently addressed as 337 Central Church Road from Planned Commercial Development (PCD) to High Density Residential (R-3).}

Councilmember Senter made a motion to approve the Request for Qualification (RFQ) for Morristown Regional Airport Consultant to Michael Baker International, approved by Airport Commission at their meeting on September 13, 2017, and allow City Administrator, Tony Cox, to enter into contract negotiations

with Michael Baker International. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Senter made a motion to approve the Demolition of Property Bids to best and lowest bids submitted by Jerry Johns Excavation, LLC (\$12,000), East TN Turf and Landscape (\$5,500), and Allstar Construction (\$20,850.95), Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Smith made a motion to approve the Police Department purchase of the following vehicle(s); one (1) Dodge Ram 1500 outfitted for K9 use in the amount of \$41,773.86, seven (7) Dodge Durango SUV's for Patrol Use in the amount of \$247,941.88 and two (2) Dodge Durango SUV's for Detective use in the amount of \$67,666.02. If approved these vehicles will be purchased through State Contract #209. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Alvis made a motion to approve the Inspection and Maintenance Agreement (I&M) between the City of Morristown and Brandon Sawyer, Malar Contract Lighting. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Mayor Chesney stated he was not prepared to make a recommendation or appointment to the Morristown Hamblen Humane Society Board to fill the remaining term of Stan Eversole who recently resigned from the board.

Councilmember Bivens made a motion to approve the Fire Departments promotion of Danny Case to Lieutenant effective October 1, 2017. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Alvis made a motion to approve the Fire Departments promotion of Preston Mayes to Engineer/Driver effective October 1, 2017. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Councilmember Bivens made a motion to approve the addition of Tuesday, December 26 to the city employees Christmas Holiday. Councilmember Alvis seconded the motion and upon roll call all voted “aye”.

City Administrator Cox gave a report on the 2016 Consolidated Annual Plan Evaluation and Review (CAPER) RE: 7-1-16 to 6-30-17 CDBG – Program City of Morristown, TN.

Mayor Chesney adjourned the September 19, 2017, City Council meeting at 5:32 p.m.

MAYOR

ATTEST:

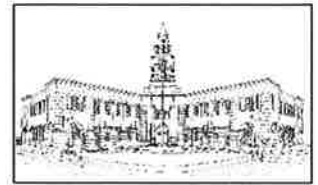
CITY ADMINISTRATOR

DRAFT

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown City Council
FROM: Steve Neilson, Planning Director
DATE: September 12, 2017
SUBJECT: Text Amendment -14-1408. BUILDING HEIGHT

BACKGROUND:

This is a request by the Industrial Development Board (IDB) to amend Chapter 14, Heavy Industrial District (HI) Section 14-1408. BUILDING HEIGHT.

Currently, the maximum height limit in the HI District is 45 feet. The IDB is requesting to amend the height limit to 55 feet. Marshall Ramsey, Chamber President, indicated that he has had inquiries from potential industries looking to possibly locate to the area that would have structures taller than the 45 feet allowed. Looking at other cities in the region, Morristown's height limit for heavy industry structures are lower than any other city relatively comparable in size.

<u>Other cities:</u>	<u>Zoning District</u>	<u>Height</u>
Bristol	M-3, Heavy Industrial District	65 ft.
Greeneville	M-2, High Impact Use	70 ft.
Johnson City	I-2, Heavy Industrial District	No Limit
Kingsport	M-2, Heavy Manufacturing	No Limit
Mt. Juliet	Industrial District	50 ft.
Oak Ridge	IND-3, Heavy Industrial District	No Limit

After reviewing the maximum height requirements in other communities in the region and after consulting with Bill Honeycutt, Fire Chief, staff is in support of this request.

The Planning Commission at its September 12th meeting voted 6 to 0 to recommend approval of this text amendment.

RECOMMENDATION:

In order to be competitive with other cities in the region, staff recommends approval of the proposed text amendment.

ORDINANCE NO. 3587

BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN, TENNESSEE AMENDING TITLE 14 (ZONING AND LAND USE CONTROL), CHAPTER 14 (HEAVY INDUSTRIAL DISTRICT), SECTION 1408 (BUILDING HEIGHT) OF THE MORRISTOWN MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 14 (Zoning and Land Use Control), Chapter 14, Heavy Industrial District, Section 14-1408, regarding building heights be amended to states:

14-1408. BUILDING HEIGHT

Buildings shall not exceed fifty-five (55) feet in height.

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 this the 19th day of September 2017.

Mayor

ATTEST:

City Administrator

Passed on second and final reading this the 3rd day of October 2017.

Mayor

ATTEST:

City Administrator

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown City Council
FROM: Josh Cole, Planner
DATE: September 19, 2017
SUBJECT: Rezoning Request for property located at 337 Central Church RD.

BACKGROUND:

This is a staff initiated rezoning request of a seven acre parcel located at 337 Central Church Road. Staff is requesting the property be rezoned from PCD (Planned Commercial District) to R-3 (High Density Residential).

This property was before the Morristown Regional Planning Commission last month and received approval as a Planned Unit Development Fire Station 4. After reviewing this PUD, staff realized the inappropriateness of PCD zoning along Central Church Road. This commercial district was intended for collector and arterial roadways. Staff is seeking such rezoning to stop business development from encroaching further onto this road which is insufficient to handle such traffic and into residential areas. This city owned property is surrounded to the north, east, and west by R-2 (Medium Density Residential) and IB (Intermediate Business) only to the south. This rezoning will bring the property into conformance with both the surrounding zoning and the city's future land-use plan. The recently approved fire station is permitted in the R-3 district.



The Planning Commission at its September 12th meeting heard this rezoning request and recommended approval by a vote of 7 to 0

RECOMMENDATION:

The rezoning request is consistent with the surrounding zoning and is consistent with the city's Future Land Use Plan. Staff recommends approval of the proposed request.

ORDINANCE NO.3588

ENTITLED AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF MORRISTOWN, TENNESSEE, APPENDIX B.

{Rezoning of Hamblen County Tennessee Tax Parcel ID # 032040E E 02400, currently addressed as 337 Central Church Road, from Planned Commercial District (PCD) to High Density Residential (R-3).}

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 RESOLVED 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 real estate be rezoned from Planned Commercial District (PCD) to High Density Residential (R-3);

SITUATE in the First Civil District of Hamblen County Tennessee, to wit:

BEING Lot 3 of McCoy/Matthews Property as shown by plat of record in Plat Cabinet H, Slide 389 in the Register's Office of Hamblen County, Tennessee, and which is described more particularly as follows:

BEGINNING at an iron pin in the western right of way of Central Church Road, said point is located 30 feet from the centerline of the roadway, corner to Lot 1 McCoy/Matthews Property; thence with the said western right of way boundary of Central Church Road South 28 deg. 21 min. 42 sec. East 300.18 feet to an iron pin corner to Lot 2 McCoy/Matthews Property; thence with the northwestern boundary of Lot 2 South 59 deg. 01 min. 08 sec. West 144.86 feet to an iron pin; thence continuing with Lot 2 South 28 deg. 32 min. 48 sec. East 100.18 feet to an iron pin in the northwestern boundary of Shockley; thence with the northwestern boundary of Shockley and Frazier South 58 deg. 53 min. 21 sec. West 233.21 feet to a t-post; thence South 59 deg. 11 min. 36 sec. W 301.71 feet to a wood post, in the boundary of Echo Hill Subdivision; thence North 29 deg. 27 min. 30 sec. West 499.12 feet to a wood post, corner to Herrera; thence with the southeastern boundary of Herrera North 58 deg. 57 min. 14 sec. Est 543.98 feet to a point in the wood fence, corner to Lot 1; thence with the southwestern boundary of Lot 1 South 28 deg. 23 min. 34 sec. East 100 feet to an iron pin; thence with the southeastern boundary of Lot 1 North 59 deg. 03 min 17 sec. East 145.03 feet to an iron pin, the point of BEGINNING, containing 7.19 acres,

*according to the survey of Richard L. Kent , TN RLS No. 2040, dated
October 14, 2016.*

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 High Density Residential (R-3) uses exclusively.

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 the this the 19th day of September 2017.

Mayor

ATTEST:

City Administrator

Passed on second and final reading this the 3rd day of October 2017.

Mayor

ATTEST:

City Administrator

**ORDINANCE NO. _____,
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE AMENDING TITLE 8, CHAPTER 2 OF THE
MORRISTOWN MUNICIPAL CODE.**

Be it ordained by the City Council for the City of Morristown that the text of Chapter 2 of Title 8 of the Morristown Municipal Code is hereby deleted in its entirety and substituted therefore is the following:

“CHAPTER 2 - BEER

Sec. 8-201. – Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicated otherwise:

a) *Beer* – Beer, ale or other malt beverages, or any other beverage having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated §57-3-101; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol. (Should the Tennessee Code Annotated §57-5-101 statutory definition of “beer” change, that definition shall govern.)

b) *Caterer Permit* – A permit issued for the retail sale of beer by a caterer who operates a permanent catering hall on an exclusive basis, has a complete and adequate commercial kitchen facility, and is licensed as a caterer by the Tennessee Department of Health, unless the catering hall is licensed as a restaurant. Said permit shall be valid for one (1) year from the date of issue. The caterer must provide food at any catered event.

c) *Convenience Store* – A store that maintains an inventory of basic food items such as luncheon meats, snack items, milk products, bread products, and canned goods.

d) *Drug store* – A business whose primary business is the sale of prescription drugs and associated items.

f) *Full line grocery store* – A store that maintains an inventory of staple food items, including fresh meats, vegetables, produce, and fruits.

g) *Limited Service Restaurant Permit* – A permit issued for the retail sale of beer for consumption on the premises of a restaurant that has gross revenue food sales of less than fifty percent (50%) of its total revenues. Said permit shall be valid for one (1) year from the date of issue and the permit fee can vary as it is based upon the percentage of food sales. The limited service restaurant shall have a seating capacity of at least forty (40) people at tables and shall have a menu of prepared food available to patrons.

h) *Microbrewery* – A small brewery and/or restaurant engaged in the manufacture of beer or alcoholic content of not more than eight percent (8%) by weight, and which sells the aforesaid beer for consumption on the premises and/or

off the premises, provided that the aggregate sales shall not exceed twenty-five thousand (25,000) barrels of beer annually. Said microbrewery shall have a seating capacity of at least forty (40) people.

i) *Nonprofit club/organization* – A corporation which has been recognized as exempt from federal taxes under Section 501(c) of the Internal Revenue Code for two (2) consecutive calendar years, is organized and in good standing under the laws of the State of Tennessee, and is not for profit, but is solely for the promotion of some common object of fellowship, recreation and other nonprofit purposes other than the sale and consumption of beverages containing alcohol.

j) *Off-premises Permit* – A permit issued for the retail sale of beer for consumption off the premises of the permittee.

k) *On-premises Permit* – A permit issued for the retail sale of beer for consumption on the premises of the permittee.

l) *On- and off-premises Permit* – A permit issued for the retail sale of beer for consumption on and off the premises of the permittee in which the business is a microbrewery as defined in this chapter.

m) *Permit* – The permit required or issued pursuant to this chapter, and “permittee” thus means any person, firm, or corporation to whom such permit has been issued pursuant to this chapter.

n) *Restaurant* – Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least forty (40) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Said restaurant should serve at least one meal per day at least four days per week, with the exception of holidays, vacations and periods of redecorating. The serving of such meals shall be the principal business conducted, except where the restaurant is located in a hotel or motel which provides at least thirty (30) rooms or suites for guests, in which case, the restaurant business may be secondary to the hotel or motel business. In no case shall beer be sold at times other than when meals are being served.

o) *Special Occasion Permit* – A permit issued for the retail sale of beer by a bona fide charitable or non-profit organization, or a bona fide political organization for a twenty-four (24) hour period. The charitable/nonprofit organization must have been in existence for at least two (2) consecutive calendar years and must expend at least sixty percent (60%) of its gross revenue for religious, educational or charitable purposes. The political organization must be either a political campaign committee as defined in Tennessee Code Annotated §2-10-102(a) or a political party as defined in Tennessee Code Annotated §2-13-101. Said permits cannot be issued more than twelve (12) times in a calendar year to the same organization. These permits will be issued for the following locations: Farmer’s Market area, Rose Center (and the immediate surrounding block),

Downtown Main Street (from Henry Street to Cumberland), and other approved locations.

p) *Temporary Permit* – A permit that may be issued by the city administrator or his designee, to allow the continued sale of beer at a location which presently has a valid permit. Said permit may be issued in order to allow a new application to be administratively processed and considered by the beer board. The applicant for said permit shall meet all requirements set forth in these ordinances, and the temporary permit shall not be issued for more than thirty (30) days. The city administrator or his designee, shall be entitled to immediately revoke said temporary permit upon discovering any violation of this chapter.

Sec. 8-202. - Beer board established.

There is hereby established a beer board to be composed of the members of the city council. The mayor shall be the chairperson. All members of the beer board shall serve without compensation.

Sec. 8-203. - Meetings of the beer board.

All meetings of the beer board shall be open to the public. The board, when there is business to conduct, shall hold regular meetings in the city hall immediately prior to or following regular city council meetings. Special meetings may be called by the chairman provided he gives a reasonable notice thereof to each member. Special meetings may also be called by a majority of the board members, who also shall give reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

Sec. 8-204. - Record of beer board proceedings to be kept.

The city administrator shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

Sec. 8-205. - Requirements for beer board quorum and action.

The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. Applicants for beer permits shall appear in person before the board will consider their application.

Sec. 8-206. - Powers and duties of the beer board.

The beer board shall have the power and it is hereby directed to regulate the giving away, selling, storing for sale, distributing for sale, and

manufacturing of beer within this municipality in accordance with the provisions of this chapter.

Sec. 8-207. - Permit required for engaging in beer business.

Subject to Tennessee Code Annotated § 57-5-103, it shall be unlawful for any person to give away, sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board.

(1) The beer board shall adopt by resolution the application form for a beer permit. Each application shall be furnished pursuant to Tennessee Code Annotated, § 57-5-103, and shall be accompanied by a non-refundable application fee of \$250.00, plus any other requisite fees pertaining to the acquisition of the permit. Said fee shall be in cash or equivalent payable to the City of Morristown. The applicant shall fully and truthfully complete each portion of the application.

(2) No permit will be issued by the city unless the applicant has been a citizen or lawful resident of the United States for at least one year immediately preceding the date of applying for the permit and the applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. No permit shall be issued hereunder to an individual who is an officer or employee of the city.

(3) A sign of minimum size two feet by two feet shall be posted on the premise for which application is being made at least 15 days prior to the meeting of the beer board at which the application will be considered. At least ten days prior to being considered by the beer board, an announcement in a newspaper of general circulation must appear stating the name of the applicant, the type of permit desired, and the address of the premise at which the permit is desired.

(4) A permit is void at midnight of the day a permit holder ceases business for which the permit was granted and must be surrendered to the city cashier's office within five working days.

(5) If application is being made for an establishment that has not been constructed or is under construction, a complete site plan and floor plan must be submitted with the application. The plans must provide a description of the entire premises, including open and parking areas available to and for the use of the business. If construction is not commenced within six months or is not completed within 18 months from the date of approval of the beer permit; or if after completion of the construction, the facility differs materially from the submitted plans or violates any provisions of this chapter in effect at the time of approval of the permit, any permit issued for the facility becomes immediately void.

(6) A permit is not transferable.

(7) An applicant can apply for the following types of permits: caterer permit, limited service restaurant permit, off-premises permit, on-premises permit, on- and off-premises permit, special occasion permit, and a temporary permit. (See definitions of each in 8-201 above.)

(8) The premises for which an applicant desires a beer permit shall be inspected by all necessary inspection officers of the city.

(9) Upon receiving approval and a permit from the beer board, the permit holder shall immediately notify the city administrator or his designee of any change in business ownership, relocation of the business, changes in the business' name, or termination of the business. Failure to notify the city within five days of any of these changes shall be grounds to cite the permit holder to the beer board to show cause why the permit should not be suspended or revoked.

(10) A beer permit shall be valid only for a single location except as provided in section (12) below, and cannot be transferred to another location.

(11) Where an owner operates two or more restaurants or other businesses within the same building, the owner may in his discretion operate some or all such business pursuant to the same permit.

(12) After receiving a permit from the beer board, if the permit holder's business or purpose for the permit changes such that the current permit (see definitions for types of permits) no longer applies to the permitted business or purpose, the permit holder shall immediately notify the city administrator or his designee. The permit holder will then be required to submit a new application for the proper type of beer permit for the business. During this revised application process, a temporary permit may be issued.

Sec. 8-208. - Proof of compliance.

Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall be required to provide the City Administrator, or his designee, with annual proof of compliance with the requirements in this chapter. Based upon the permit type and fee schedule, the renewal fees are subject to modification. The permit holder shall submit the proof of compliance annually, on or before December 15th. The permit renewal fees shall be due on or before January 1st, and a penalty of ten dollars (\$10.00) per day will be assessed on the second working day following January 1, and on each successive working day until the renewal fee is paid. If the renewal fee is not paid by February 1 of each year, the permit shall become void and the holder must surrender the permit to the city.

For purposes of determining the fee to be assessed for an on-premises permit for a restaurant or a limited service restaurant, the total gross revenue food sales shall be defined as those food and non-alcoholic beverage sales subject to state and local sales taxes. The permit holder shall provide the City Administrator, or his designee, with proof regarding the percentage of gross revenue beer sales compared with the percentage of gross revenue food sales.

Sec. 8-209. - Beer permits shall be restrictive.

All beer permits shall be restrictive as to the type of beer business authorized under them.

(1) Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his

permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions that are written into his permit by the beer board.

(2) No on-premises permit shall be issued for a premise other than a nonprofit club, restaurant, or microbrewery. No on- and off-premise permit shall be issued for a premise other than a microbrewery. For purposes of this chapter, "on premise", and "on-and off-premise" shall include the interior of the business enclosed by permanent walls and covered by a permanent roof, as well as all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located, and in the case of a nonprofit club, a golf course that is a part of the establishment. An outdoor serving area shall be defined as a patio, deck, courtyard or other outdoor area where the permitted establishment provides service to the outdoor serving area that is (1) contiguous to the exterior of the building in which the business is located, (2) operated and controlled by the business, and (3) fenced or surrounded on all sides except for designated entrances and exits. The fencing or surrounding barrier need not be permanent, but must consist of a barrier not less than 40 inches high and must be constructed of a substantial material without gaps or spaces that would allow ingress and egress of the premises except through designated entrances and exits. Examples of substantial material includes, but is not limited to, securely connected cattle gates, planters, decorative fencing or other decorative architectural or landscaping material. An outdoor serving area may not include all or any part of an area otherwise used by the business or by the public for parking.

(3) No off-premise permit shall be issued for a premise other than full line grocery stores, drug stores, or convenience stores.

(4) Each holder of a beer permit shall continuously maintain in this city:

- a. A registered office which may be the same as the permitted place of business; and
- b. A registered agent, who shall be an individual whose business office is identical with the registered office.

(5) With the exception of a microbrewery, no brewer, wholesaler or manufacturer of beer, nor any agent of such brewer, wholesaler or manufacturer, shall be permitted to make a loan of money or furnish any fixtures of any kind or have any interest either directly or indirectly in the business of any retailer of beer, or in the premises occupied by such retailer. No person holding and/or exercising a valid permit issued pursuant to this chapter shall while so doing convey or grant or contract to convey or grant any interest in the business located at the place named on the permit, or an interest in the premise or any property therein, to any brewer, wholesaler or manufacturer of beer regulated by this chapter. No person holding and/or exercising a valid permit issued pursuant to this chapter shall incur or contract any indebtedness or financial obligation to any brewer, wholesaler or manufacturer of beer regulated by this chapter, except for the purchase of the beverages. No permit shall be granted under this chapter to any applicant who at the time of making application, is indebted or financially obligated to any such brewer, wholesaler or manufacturer, except for the purchase of the beverages.

Sec. 8-210. - Issuance of permits to persons convicted of certain crimes prohibited.

No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance or controlled substance analogue, or any crime involving moral turpitude within the past ten years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent ownership interest in the business for which application is being made shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance or controlled substance analogue or any crime involving moral turpitude within the past ten years.

Sec. 8-211. - Prohibited conduct or activities by beer permit holders.

It shall be unlawful for any beer permit holder, employee, or person engaged in the sale of beer to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten years.

(2) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer.

(3) Make or allow any sale of beer on Sunday between the hours of 3:00 a.m. and 10:00 a.m. or between the hours of 3:00 a.m. and 8:00 a.m. on any other day.

(4) Make or allow any sale of beer to a person under 21 years of age.

(5) Allow on the premises an owner, co-owner, operator, proprietor, or employee to drink or be under the influence of any of the beverages regulated by this chapter.

(6) Allow any person under 21 years of age to loiter in or about his place of business.

(7) Make or allow any sale of beer to any person who appears, or would reasonably appear to be under the influence of any intoxicant whatsoever.

(8) Allow intoxicated person to loiter about his premises.

(9) Provide for or allow any gambling or games of chance involving exchange of money on the premises, excepting activities authorized pursuant to the Tennessee Education Lottery Implementation Law codified at Tennessee Code Annotated, § 4-51-101, et seq.

(10) Knowingly or intentionally permit or allow any person to appear in the establishment or on the premises for which the permit was issued and to:

a. Publicly or openly perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law;

b. Publicly or openly engage in the actual or simulated touching with the hand, facial area or mouth, or caressing, or fondling of the breasts, buttocks, anus or genitals;

c. Publicly or openly engage in the actual or simulated display to public view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

d. Publicly or openly wear or use any device or covering exposed to public view which simulates the display to public view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

e. Employ, use or allow any person in the sale or service of food, wine, beer or other alcoholic beverages while such person is publicly or openly unclothed or in such attire, costume or clothing as to expose to view any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

f. Employ, use or allow the services of any hostess or other person to mingle with patrons while such hostess or other person is unclothed or in such attire, costume or clothing as to expose to view any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

g. Publicly or openly permit any person to use artificial devices or any inanimate objects to depict any prohibited activities described above; or

h. For the owner of the property, or the owner of any business operated thereon, or any employee thereof to allow or permit any person to remain in or upon the premises who is exposing to public view any portion of the human male or female genitals, pubic area, buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state;

i. Publicly or openly show films, videotapes, laser discs, CD ROMS, electronic reproductions or other visual reproductions that involve movement depiction of any of the following:

(i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(ii) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;

(iii) Scenes wherein the person displays the vulva, the anus or the genitals;

(iv) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

j. Nothing contained in this section shall be construed to prohibit persons of either sex from engaging in swimming or related activities while clad in attire customarily worn in the community for such purpose;

k. Nothing contained in this section shall be construed to prohibit the broadcast or display of any television program subject to regulation by the Federal Communications Commission of the United States on the permitted premises.

(11) Operate a disorderly place or allow boisterous and/or disorderly conduct on the premises. Such prohibited disorderly conduct and operation of a disorderly place shall mean and include any conduct that may pose a threat to public health or safety and that may be deemed to create a public nuisance.

Sec. 8-212. - Suspension and revocation of beer permits.

Subject to the provisions of The Tennessee Responsible Vendor Act codified at Tennessee Code Annotated, § 57-5-601, et seq., the beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. The beer board is authorized to revoke a beer permit for any of the reasons which would disqualify an applicant in the first instance. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the chief of police or by any member of the beer board. When a permit is revoked by the beer board, a new permit for the sale of beer on the same premises shall not be issued for one year following the final effective date of the revocation. However, the board may, in its discretion, issue a new permit on the same premises before the expiration of the one-year period if the individual applying for the permit is not the original holder of the permit or the agent of the original holder of the permit. Revocations do not stay with the property when the property changes hands.

Sec. 8-213. - Civil penalty in lieu of suspension.

Subject to the provisions of Tennessee Code Annotated, § 57-5-601, et seq., the beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$2,500.00 for each offense of making or permitting to be made any sales to persons under 21 years of age, or a civil penalty not to exceed \$1,000.00 for any other offense. The amount of the civil penalties shall be governed by Tennessee Code Annotated § 57-5-108 and if the amounts are modified, the Tennessee statute shall control. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Sec. 8-214. - Open beverage containers prohibited.

It is unlawful for any person to possess open cans, bottles, or containers of beer in motor vehicles in the city or upon the public streets, sidewalks, or other public places in the city, not otherwise permitted by this chapter. There shall be rebuttable presumption that open containers of alcoholic beverages found in a motor vehicle, not within the physical possession of any individual, are in the possession of the driver of the vehicle.

Sec. 8-215. - Signage required.

Pursuant to Tennessee Code Annotated § 57-5-301(f), permit holders shall post signs on the premises informing customers of the permit holder's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by five and one-half inches, and shall contain the following language: "IF YOU AREN'T 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER LICENSE."

Sec. 8-216. - Limitation on permits issued.

Not including special occasion permits, the beer board shall not issue permits for beer sales that would result in the number of permits in effect numbering more than 150. Businesses which may be annexed, and which possess a valid beer license at the time of their annexation; and businesses which had been issued a valid permit which is existing at the time of the final passage of the ordinance comprising this chapter, but which experience a change of control (ownership) such as would require application for issuance of a new permit, shall not be denied a permit on the basis of the limitation of the number of permits to be issued by the city.

Sec. 8-217. - Adoption of the Tennessee Responsible Vendor Act.

There is hereby adopted and incorporated herein by reference the Tennessee Responsible Vendor Act, codified in Tennessee Code Annotated, § 57-6-601, et seq. Any provisions of title 8, chapter 2 of the municipal code in conflict with the provisions of the Act are hereby repealed."

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

PASSED ON FIRST READING THIS THE 3RD DAY OF OCTOBER 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 17TH DAY OF
OCTOBER 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

CHAPTER 2 - BEER^[3]

Footnotes:

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Cross reference— Tax provisions: title 5.

State Law reference— For a leading case on a municipality's authority to regulate beer, see *Watkins v. Naifeh*, 635 S.W.2d 104 (Tenn. 1982).

Sec. 8-201. – Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicated otherwise:

a) *Beer* – Beer, ale or other malt beverages, or any other beverage having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated §57-3-101; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol. (Should the Tennessee Code Annotated §57-5-101 statutory definition of “beer” change, that definition shall govern.)

b) *Caterer Permit* – A permit issued for the retail sale of beer by a caterer who operates a permanent catering hall on an exclusive basis, has a complete and adequate commercial kitchen facility, and is licensed as a caterer by the Tennessee Department of Health, unless the catering hall is licensed as a restaurant. Said permit shall be valid for one (1) year from the date of issue. The caterer must provide food at any catered event.

c) *Convenience Store* – A store that maintains an inventory of basic food items such as luncheon meats, snack items, milk products, bread products, and canned goods.

d) *Drug store* – A business whose primary business is the sale of prescription drugs and associated items.

f) *Full line grocery store* – A store that maintains an inventory of staple food items, including fresh meats, vegetables, produce, and fruits.

g) *Limited Service Restaurant Permit* – A permit issued for the retail sale of beer for consumption on the premises of a restaurant that has gross revenue food sales of less than fifty percent (50%) of its total revenues. Said permit shall be valid for one (1) year from the date of issue and the permit fee can vary as it is based upon the percentage of food sales. The limited service restaurant shall have a seating capacity of at least forty (40) people at tables and shall have a menu of prepared food available to patrons.

h) Microbrewery – A small brewery and/or restaurant engaged in the manufacture of beer or alcoholic content of not more than eight percent (8%) by weight, and which sells the aforesaid beer for consumption on the premises and/or off the premises, provided that the aggregate sales shall not exceed twenty-five thousand (25,000) barrels of beer annually. Said microbrewery shall have a seating capacity of at least forty (40) people.

i) Nonprofit club/organization – A corporation which has been recognized as exempt from federal taxes under Section 501(c) of the Internal Revenue Code for two (2) consecutive calendar years, is organized and in good standing under the laws of the State of Tennessee, and is not for profit, but is solely for the promotion of some common object of fellowship, recreation and other nonprofit purposes other than the sale and consumption of beverages containing alcohol.

j) Off-premises Permit – A permit issued for the retail sale of beer for consumption off the premises of the permittee.

k) On-premises Permit – A permit issued for the retail sale of beer for consumption on the premises of the permittee.

l) On- and off-premises Permit – A permit issued for the retail sale of beer for consumption on and off the premises of the permittee in which the business is a microbrewery as defined in this chapter.

m) Permit – The permit required or issued pursuant to this chapter, and “permittee” thus means any person, firm, or corporation to whom such permit has been issued pursuant to this chapter.

n) Restaurant – Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least forty (40) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Said restaurant should serve at least one meal per day at least four days per week, with the exception of holidays, vacations and periods of redecorating. The serving of such meals shall be the principal business conducted, except where the restaurant is located in a hotel or motel which provides at least thirty (30) rooms or suites for guests, in which case, the restaurant business may be secondary to the hotel or motel business. In no case shall beer be sold at times other than when meals are being served.

o) Special Occasion Permit – A permit issued for the retail sale of beer by a bona fide charitable or non-profit organization, or a bona fide political organization for a twenty-four (24) hour period. The charitable/nonprofit organization must have been in existence for at least two (2) consecutive calendar years and must expend at least sixty percent (60%) of its gross revenue for religious, educational or charitable purposes. The political organization must be either a political campaign committee as defined in Tennessee Code Annotated §2-10-102(a) or a political party as defined in Tennessee Code Annotated §2-13-101. Said permits cannot be issued more than twelve (12) times in a calendar year to the same organization. These permits will be issued for the following locations: Farmer’s Market area,

Rose Center (and the immediate surrounding block), Downtown Main Street (from Henry Street to Cumberland), and other approved locations.

p) Temporary Permit – A permit that may be issued by the city administrator or his designee, to allow the continued sale of beer at a location which presently has a valid permit. Said permit may be issued in order to allow a new application to be administratively processed and considered by the beer board. The applicant for said permit shall meet all requirements set forth in these ordinances, and the temporary permit shall not be issued for more than thirty (30) days. The city administrator or his designee, shall be entitled to immediately revoke said temporary permit upon discovering any violation of this chapter.

Sec. 8-~~201~~202. - Beer board established.

There is hereby established a beer board to be composed of the members of the city council. The mayor shall be the chairperson. All members of the beer board shall serve without compensation.

(Ord. No. 3544, 4-5-2016)

Sec. 8-~~202~~203. - Meetings of the beer board.

All meetings of the beer board shall be open to the public. The board, when there is business to conduct, shall hold regular meetings in the city hall immediately prior to or following regular city council meetings. Special meetings may be called by the chairman provided he gives a reasonable notice thereof to each member. Special meetings may also be called by a majority of the board members, who also shall give reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

(Ord. No. 3544, 4-5-2016)

Sec. 8-~~203~~204. - Record of beer board proceedings to be kept.

The city administrator shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

(Ord. No. 3544, 4-5-2016)

Sec. 8-~~204~~205. - Requirements for beer board quorum and action.

The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. Applicants for beer permits shall appear in person before the board will consider their application.

(Ord. No. 3544, 4-5-2016)

Sec. 8-~~205~~206. - Powers and duties of the beer board.

The beer board shall have the power and it is hereby directed to regulate the giving away, selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

([Ord. No. 3544, 4-5-2016](#))

~~Sec. 8-206. "Beer" defined.~~

~~The term "beer" as used in this chapter shall mean beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five percent by weight, except wine as defined in Tennessee Code Annotated § 57-3-101; provided, however, that no more than 49 percent of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol. Should the Tennessee Code Annotated § 57-5-101 statutory definition of "beer" change, that definition shall govern.~~

([Ord. No. 3544, 4-5-2016](#))

Sec. 8-207. - Permit required for engaging in beer business.

Subject to Tennessee Code Annotated § 57-5-103, it shall be unlawful for any person to give away, sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board.

- (1) The beer board shall adopt by resolution the application form for a beer permit. Each application shall be furnished pursuant to Tennessee Code Annotated, § 57-5-103, and shall be accompanied by a non-refundable application fee of \$250.00, plus any other requisite fees pertaining to the acquisition of the permit. Said fee shall be in cash or equivalent payable to the City of Morristown. The applicant shall fully and truthfully complete each portion of the application.
- (2) No permit will be issued by the city unless the applicant has been a citizen or lawful resident of the United States for at least one year immediately preceding the date of applying for the permit and the applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. No permit shall be issued hereunder to an individual who is an officer or employee of the city.
- (3) A sign of minimum size two feet by two feet shall be posted on the premise for which application is being made at least 15 days prior to the meeting of the beer board at which the application will be considered. At least ten days prior to being considered by the beer board, an announcement in a newspaper of general circulation must appear stating the name of the applicant, the type of permit desired, and the address of the premise at which the permit is desired.
- (4) A permit is void at midnight of the day a permit holder ceases business for which the permit was granted and must be surrendered to the city cashier's office within five working days.
- (5) If application is being made for an establishment that has not been constructed or is under construction, a complete site plan and floor plan must be submitted with the application. The plans must provide a description of the entire premises, including open and parking areas available to and for the use of the business. If construction is not commenced within six months or is not completed within 18 months from the date of approval of the beer permit; or if after completion of the construction, the facility differs materially from the submitted plans or violates any provisions of this chapter in effect at the time of approval of the permit, any permit issued for the facility becomes immediately void.

- (6) A permit is not transferable.
- (7) An applicant can apply for the following types of permits: caterer permit, limited service restaurant permit, off-premises permit, on-premises permit, on- and off-premises permit, special occasion permit, and a temporary permit. (See definitions of each in 8-201 above.)
- ~~a. Off-premises permit for the retail sale of beer for consumption off the premises of the permittee.~~
- ~~b. On-premises permit for the retail sale of beer for consumption on the premises of the permittee.~~
- ~~c. On- and off-premise permit for the retail sale of beer for consumption on and off the premises of the permittee in which the business is a restaurant and engaged in the manufacture of beer of alcoholic content of not more than five percent by weight, and which sells the aforesaid beer for consumption on the premises or off the premises, providing that the aggregate of sales shall not exceed 25,000 barrels of beer annually, in accordance with the provisions of Tennessee Code Annotated, Chapter 5, Title 57, as the same now reads, which chapter is hereby incorporated in its entirety by reference as fully as if set forth verbatim herein.~~
- (8) The premises for which an applicant desires a beer permit shall be inspected by all necessary inspection officers of the city.
- ~~(9) A temporary permit may be issued by the city administrator or his designee to allow the continued sale of alcoholic beverages and beer at a location which presently has a valid permit. A temporary permit may be issued in order to allow a new application to be administratively processed and considered by the beer board. The applicant for a temporary permit shall meet all requirements set forth in these ordinances, and the temporary permit shall not be issued for more than 30 days. The city administrator or his designee shall be entitled to immediately revoke the temporary permit upon discovering any violation of this chapter.~~
- ~~(109)~~ Upon receiving approval and a permit from the beer board, the permit holder shall immediately notify the city administrator or his designee of any change in business ownership, relocation of the business, changes in the business' name, or termination of the business. Failure to notify the city within five days of any of these changes shall be grounds to cite the permit holder to the beer board to show cause why the permit should not be suspended or revoked.
- ~~(110)~~ A beer permit shall be valid only for a single location except as provided in section (12) below, and cannot be transferred to another location.
- ~~(1211)~~ Where an owner operates two or more restaurants or other businesses within the same building, the owner may in his discretion operate some or all such business pursuant to the same permit.
- (12) After receiving a permit from the beer board, if the permit holder's business or purpose for the permit changes such that the current permit (see definitions for types of permits) no longer applies to the permitted business or purpose, the permit holder shall immediately notify the city administrator or his designee. The permit holder will then be required to submit a new application for the proper type of beer permit for the business. During this revised application process, a temporary permit may be issued.

(Ord. No. 3544, 4-5-2016)

Sec. 8-208. - ~~Privilege tax~~Proof of compliance.

~~There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of \$100.00 per year. Any person, firm, corporation, joint stock company, syndicate or~~

~~association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on issuance of the permit, and each successive January 1, to the City of Morristown, Tennessee. A penalty of \$10.00 will be assessed on the second working day following January 1, and on each successive working day until the privilege tax is paid. If the renewal privilege tax is not paid by February 1 of each year, the permit shall become void and the holder must surrender the permit to the city. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall be required to provide the City Administrator, or his designee, with annual proof of compliance with the requirements in this chapter. Based upon the permit type and fee schedule, the renewal fees are subject to modification. The permit holder shall submit the proof of compliance annually, on or before December 15th. The permit renewal fees shall be due on or before January 1st, and a penalty of ten dollars (\$10.00) per day will be assessed on the second working day following January 1, and on each successive working day until the renewal fee is paid. If the renewal fee is not paid by February 1 of each year, the permit shall become void and the holder must surrender the permit to the city.~~

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~~For purposes of determining the fee to be assessed for an on-premises permit for a restaurant or a limited service restaurant, the total gross revenue food sales shall be defined as those food and non-alcoholic beverage sales subject to state and local sales taxes. The permit holder shall provide the City Administrator, or his designee, with proof regarding the percentage of gross revenue beer sales compared with the percentage of gross revenue food sales.~~

([Ord. No. 3544, 4-5-2016](#))

Sec. 8-209. - Beer permits shall be restrictive.

All beer permits shall be restrictive as to the type of beer business authorized under them.

- (1) Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions that are written into his permit by the beer board.
- (2) No on-premises permit shall be issued for a premise other than a nonprofit club ~~or restaurant, restaurant, or microbrewery~~. No on- and off-premise permit shall be issued for a premise other than a ~~restaurant-brewery~~ ~~microbrewery~~. For purposes of this chapter, "on premise", and "on- and off-premise" shall include the interior of the business enclosed by permanent walls and covered by a permanent roof, as well as all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located, and in the case of a nonprofit club, a golf course that is a part of the establishment. An outdoor serving area shall be defined as a patio, deck, courtyard or other outdoor area where the permitted establishment provides service to the outdoor serving area that is (1) contiguous to the exterior of the building in which the business is located, (2) operated and controlled by the business, and (3) fenced or surrounded on all sides except for designated entrances and exits. The fencing or surrounding barrier need not be permanent, but must consist of a barrier not less than 40 inches high and must be constructed of a substantial material without gaps or spaces that would allow ingress and egress of the premises except through designated entrances and exits. Examples of substantial material includes, but is not limited to, securely connected cattle gates, planters, decorative fencing or other decorative architectural or landscaping material. An outdoor serving area may not include all or any part of an area otherwise used by the business or by the public for parking.

~~a. "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly~~

- ~~b. No off-premise permit shall be issued for a premise other than full line grocery stores, drug stores, or convenience stores.~~
- ~~c. Annual sales of beer as defined in this chapter shall not exceed 25 percent of total taxable sales for any on-premise permit holder.~~

~~In the application of this section, total taxable sales shall be defined as those food and non-alcoholic beverage sales subject to state and local sales taxes. The permittee shall provide the city administrator or his designee with proof of compliance with this section when he applies for a renewal of his beer permit. It shall be a violation of this section if the beer sales exceed the 25 percent limit in any calendar year. Should a permittee violate this section, the city shall have the right to deny a permittee's request for renewal.~~

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- (3) ~~No off-premise permit shall be issued for a premise other than full line grocery stores, drug stores, or convenience stores. For the application of this section, a full line grocery store shall be defined as a store that maintains an inventory of staple food items including fresh meats, vegetables, produce, and fruits. A drug store shall be defined as a business whose primary business is the sale of prescription drugs and associated items. A convenience store shall be defined as a store that maintains an inventory of basic food items such as luncheon meats, snack items, milk products, bread products, and canned goods.~~
- (4) Each holder of a beer permit shall continuously maintain in this city:
- A registered office which may be the same as the permitted place of business; and
 - A registered agent, who shall be an individual whose business office is identical with the registered office.
- (5) ~~With the exception of a microbrewery, n~~No brewer, wholesaler or manufacturer of beer, nor any agent of such brewer, wholesaler or manufacturer, shall be permitted to make a loan of money or furnish any fixtures of any kind or have any interest either directly or indirectly in the business of any retailer of beer, or in the premises occupied by such retailer. No person holding and/or exercising a valid permit issued pursuant to this chapter shall while so doing convey or grant or contract to convey or grant any interest in the business located at the place named on the permit, or an interest in the premise or any property therein, to any brewer, wholesaler or manufacturer of beer regulated by this chapter. No person holding and/or exercising a valid permit issued pursuant to this chapter shall incur or contract any indebtedness or financial obligation to any brewer, wholesaler or manufacturer of beer regulated by this chapter, except for the purchase of the beverages. No permit shall be granted under this chapter to any applicant who at the time of making application, is indebted or financially obligated to any such brewer, wholesaler or manufacturer, except for the purchase of the beverages.

(Ord. No. 3544, 4-5-2016)

~~Sec. 8-210. Interference with public health, safety, and morals prohibited.~~

~~No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, parks, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. For purposes of application of this section, in no event will an off-premise permit be issued authorizing the sale of beer within 150 feet of any church, public or private school, or city park. The distances shall be measured in a straight line from the nearest point of any portion of the building from which the beer will be sold to the nearest point on the property line of the church, school, or park. This distance restriction shall not apply to any premises which is wholly separated from any church, public or private school, or city park by a state or federal road or highway having at least four lanes for traffic. A turning lane shall not be considered one of the required four lanes. "Building" for these purposes shall mean the walls that enclose a grocery store, drug store or convenience store, even though they may lie within a larger building such as in the case of a shopping center. The licensed premises within such building shall not have general access directly to or from other retail stores or shops within the center or other structure where in the licensed premises is located. No~~

~~(Ord. No. 3544, 4-5-2016)~~

Sec. 8-211. - Issuance of permits to persons convicted of certain crimes prohibited.

No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance or controlled substance analogue, or any crime involving moral turpitude within the past ten years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent ownership interest in the business for which application is being made shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance or controlled substance analogue or any crime involving moral turpitude within the past ten years.

(Ord. No. 3544, 4-5-2016)

Sec. 8-212. - Prohibited conduct or activities by beer permit holders.

It shall be unlawful for any beer permit holder, employee, or person engaged in the sale of beer to:

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten years.
- (2) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer.
- (3) Make or allow any sale of beer on Sunday between the hours of 3:00 a.m. and 10:00 a.m. or between the hours of 3:00 a.m. and 8:00 a.m. on any other day.
- (4) Make or allow any sale of beer to a person under 21 years of age.
- (5) Allow on the premises an owner, co-owner, operator, proprietor, or employee to drink or be under the influence of any of the beverages regulated by this chapter.
- (6) Allow any person under 21 years of age to loiter in or about his place of business.
- (7) Make or allow any sale of beer to any person who appears, or would reasonably appear to be under the influence of any intoxicant whatsoever.
- (8) Allow intoxicated person to loiter about his premises.
- ~~(9) Make or allow the sale of beer directly to the occupants of a vehicle or through "drive-through" windows.~~
- (10) Provide for or allow any gambling or games of chance involving exchange of money on the premises, excepting activities authorized pursuant to the Tennessee Education Lottery Implementation Law codified at Tennessee Code Annotated, § 4-51-101, et seq.
- (11) Knowingly or intentionally permit or allow any person to appear in the establishment or on the premises for which the permit was issued and to:
 - a. Publicly or openly perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law;
 - b. Publicly or openly engage in the actual or simulated touching with the hand, facial area or mouth, or caressing, or fondling of the breasts, buttocks, anus or genitals;

- c. Publicly or openly engage in the actual or simulated display to public view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or
- d. Publicly or openly wear or use any device or covering exposed to public view which simulates the display to public view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or
- e. Employ, use or allow any person in the sale or service of food, wine, beer or other alcoholic beverages while such person is publicly or openly unclothed or in such attire, costume or clothing as to expose to view any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or
- f. Employ, use or allow the services of any hostess or other person to mingle with patrons while such hostess or other person is unclothed or in such attire, costume or clothing as to expose to view any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or
- g. Publicly or openly permit any person to use artificial devices or any inanimate objects to depict any prohibited activities described above; or
- h. For the owner of the property, or the owner of any business operated thereon, or any employee thereof to allow or permit any person to remain in or upon the premises who is exposing to public view any portion of the human male or female genitals, pubic area, buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state;
- i. Publicly or openly show films, videotapes, laser discs, CD ROMS, electronic reproductions or other visual reproductions that involve movement depiction of any of the following:
 - (i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - (ii) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;
 - (iii) Scenes wherein the person displays the vulva, the anus or the genitals;
 - (iv) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.
- j. Nothing contained in this section shall be construed to prohibit persons of either sex from engaging in swimming or related activities while clad in attire customarily worn in the community for such purpose;
- k. Nothing contained in this section shall be construed to prohibit the broadcast or display of any television program subject to regulation by the Federal Communications Commission of the United States on the permitted premises.

(12) Operate a disorderly place or allow boisterous and/or disorderly conduct on the premises. Such prohibited disorderly conduct and operation of a disorderly place shall mean and include any conduct that may pose a threat to public health or safety and that may be deemed to create a public nuisance.

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(Ord. No. 3544, 4-5-2016)

Sec. 8-213. - Suspension and revocation of beer permits.

Subject to the provisions of The Tennessee Responsible Vendor Act codified at Tennessee Code Annotated, § 57-5-601, et seq., the beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. The beer board is authorized to revoke a beer permit for any of the reasons which would disqualify an applicant in the first instance. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the chief of police or by any member of the beer board. When a permit is revoked by the beer board, a new permit for the sale of beer on the same premises shall not be issued for one year following the final effective date of the revocation. However, the board may, in its discretion, issue a new permit on the same premises before the expiration of the one year period if the individual applying for the permit is not the original holder of the permit or the agent of the original holder of the permit. Revocations do not stay with the property when the property changes hands.

(Ord. No. 3544, 4-5-2016)

Sec. 8-214. - Civil penalty in lieu of suspension.

Subject to the provisions of Tennessee Code Annotated, § 57-5-601, et seq., the beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$2,500.00 for each offense of making or permitting to be made any sales to persons under 21 years of age, or a civil penalty not to exceed \$1,000.00 for any other offense. The amount of the civil penalties shall be governed by Tennessee Code Annotated § 57-5-108 and if the amounts are modified, the Tennessee statute shall control. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

(Ord. No. 3544, 4-5-2016)

Sec. 8-215. - Open beverage containers prohibited.

It is unlawful for any person to possess open cans, bottles, or containers of beer in motor vehicles in the city or upon the public streets, sidewalks, or other public places in the city, not otherwise permitted by this chapter. There shall be rebuttable presumption that open containers of alcoholic beverages found in a motor vehicle, not within the physical possession of any individual, are in the possession of the driver of the vehicle.

(Ord. No. 3544, 4-5-2016)

Sec. 8-216. - Signage required.

Pursuant to Tennessee Code Annotated § 57-5-301(f), permit holders shall post signs on the premises informing customers of the permit holder's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by five and one-half inches, and shall contain the

following language: "IF YOU AREN'T 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER LICENSE."

(Ord. No. 3544, 4-5-2016)

Sec. 8-217. - Limitation on permits issued.

Not including special occasion permits. The beer board shall not issue permits for beer sales that would result in the number of permits in effect numbering more than 150. Businesses which may be annexed, and which possess a valid beer license at the time of their annexation; and businesses which had been issued a valid permit which is existing at the time of the final passage of the ordinance comprising this chapter, but which experience a change of control (ownership) such as would require application for issuance of a new permit, shall not be denied a permit on the basis of the limitation of the number of permits to be issued by the city.

(Ord. No. 3544, 4-5-2016)

Sec. 8-218. - Adoption of the Tennessee Responsible Vendor Act.

There is hereby adopted and incorporated herein by reference the Tennessee Responsible Vendor Act, codified in Tennessee Code Annotated, § 57-6-601, et seq. Any provisions of title 8, chapter 2 of the municipal code in conflict with the provisions of the Act are hereby repealed.

(Ord. No. 3544, 4-5-2016)

**ORDINANCE NO. _____,
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE AMENDING TITLE 16 (STREETS AND SIDEWALKS,
ETC.) OF THE MORRISTOWN MUNICIPAL CODE.**

Be it ordained by the City Council for the City of Morristown that the text of Title 16 of the Morristown Municipal Code is hereby deleted in its entirety and substituted therefore is the following:

“TITLE 16 - STREETS AND SIDEWALKS, ETC.

Chapter 1 – General Regulations

Chapter 2 – Excavations and Cuts

Chapter 3 – Plans and Specifications for Sidewalks, Curbs and Gutters

Chapter 4 – Uniform Street Naming and Addressing

CHAPTER 1 - GENERAL REGULATIONS

Sec. 16-101. - Obstructions prohibited.

No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. The City Administrator, or his designee, may remove, at the expense of the owner, any goods, wares, merchandise, or materials found in violation of this section. This prohibition shall not apply in the Central Business District. However, within these areas in the Central Business District, a four (4) foot unobstructed pedestrian walkway shall be maintained at all times. The unobstructed pedestrian walkway shall be measured and maintained from the back of the curb in a perpendicular line to the building. Where permitted, said sales or exhibits of goods and materials shall not impede with traffic or cause any kind of safety hazard, or the materials will be subject to removal.

Sec. 16-102. - Gates or doors opening over streets, alleys, or sidewalks prohibited.

It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley or sidewalk.

Sec. 16-103. - Discharging water over sidewalks or into streets prohibited.

No person shall permit any water to be discharged from the roof or guttering of any building or from any other drain or pipe onto or across any sidewalk in the city. No person shall discharge any soap suds, slops, or other unclean or contaminated water or other matter into or onto any street, alley, sidewalk, or storm gutter in the city. Any such discharge is hereby declared to be a public nuisance.

This section shall not be construed to prohibit any person from constructing drains under sidewalks, pursuant to the approved plans and specifications by the city, which will convey storm water into the gutters alongside the sidewalks and curbs.

Sec. 16-104. - Obstruction of gutters, drainage ditches, etc.

No person shall obstruct or permit or cause the obstruction of any gutter or drainage ditch in any street or other public right-of-way in the city.

Sec. 16-105. - Sleds, coasters, bicycles, skates, and skateboards, regulated on streets, sidewalks and other public property.

No person shall use any sled, coaster, bicycle, roller skates, in-line skates or skateboard on any of the sidewalks of the city within the central business district zone of the city, as defined by the city's zoning ordinances, as may be amended from time to time, or on the city center plaza, or inside any publicly owned building. No person shall use any sled, coaster, roller skates, in-line skates or skateboard on any streets, alleys, or vehicular roadways in the city or publicly owned parking areas of the city.

Where operation of any sled, coaster, bicycle, roller skates, in-line skates or skateboard is permitted on sidewalks, the operator of same shall yield to pedestrians on such sidewalks.

Sec. 16-106. - Games in streets.

No person shall play or engage in any game of ball or any other game or sport on any of the streets, alleys, or other vehicular roadways in the city.

Sec. 16-107. - Animals prohibited on sidewalks.

No person shall ride any animal upon or over any sidewalk in the city, except where driveways or other crossings have been provided for such purpose.

Sec. 16-108. - Littering streets, sidewalks etc., prohibited.

(a) *Definitions.* The following definitions shall apply to the interpretation and enforcement of this chapter:

Bulk waste means discarded appliances such as stoves, refrigerators, water tanks, washing machines, discarded furniture, and inoperable motor vehicles, or similar bulky materials that are of such a size, shape, or weight that they cannot be placed in a regular trash container.

Garbage includes all household wastes, including, but not limited to, food waste, which includes putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, bottles, waste paper, cans, clothing, and general refuse.

Litter includes garbage, refuse, rubbish, tobacco waste products and all other waste materials.

Person means every natural person, firm, partnership, association, corporation, municipal corporation or public authority.

Refuse, as a comprehensive term, includes 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.

Rubbish includes all combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

(b) *Throwing, dumping or depositing litter.*

(1) A person shall not throw, dump, deposit, or cause to be thrown, dumped, or deposited, litter or maintain a nuisance on property, improved or vacant or on any public parkway, pathway, street, or road, upon public parks, or recreation areas, or upon any other public property, except that property designated for that use.

(2) If an object of litter is discovered, on another's property without his or her permission, on any public highway, street or road, upon public parks or recreation areas, or upon any other public property, except that property designated for that use, bearing a person's name, it shall be prima facie evidence that the person whose name appears on the object, threw, dumped, deposited or caused it to be thrown, dumped or deposited there.

(c) *Evidence against driver of motor vehicle.* If the throwing, dumping or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle.

(d) *Reporting litter from motor vehicle.*

(1) Any person, whether or not such person is a citizen of the city, who shall witness the throwing, dumping or depositing of litter from a motor vehicle onto any public highway, street or road, onto another's property without the owner's permission, onto public park or public recreation lands, or onto any other public property, except such as is designated for the throwing, dumping or depositing of litter, may report the date and time of day of the littering and the license plate registration number and state of registration to any state or local law enforcement authority.

(2) The license plate registration number as recorded shall constitute prima facie evidence that the littering was done by the person to whom such motor vehicle is registered.

(3) Any person so reporting a violation shall be required to appear as a witness in any prosecutions resulting therefrom.

(e) *Prosecution by peace officer or private citizen.* Prosecution for a violation of sections 9-60-1—9-60-5 may be initiated by a peace officer who witnessed an offense in violation of such sections, or who discovered an article bearing a person's name on the property of another, or any public highway, street or road, upon a public park or recreation area, or upon any other public property, except that designated for that use, or by any private citizen, who witnessed an offense or discovered incriminating evidence, who is willing to make the initial charge and testify for the city, by having a summons issued by a court clerk.

(f) *Violations—Penalties.*

(1) A person who violates a provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$50.00. Each violation is considered a separate offense and punishable as such.

(2) The judge, in his or her discretion, may allow the person convicted of a violation of this chapter to remove the litter the person threw, dumped, deposited or cause to be thrown, dumped or deposited, from the property in lieu of the penalty as provided in this section.

Sec. 16-109. - Abutting property owners to keep sidewalks clean; removal of ice and snow from sidewalks.

The occupants of property abutting on a sidewalk shall keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants shall remove all accumulated snow or ice from the abutting sidewalk.

Sec. 16-110. - Special uses regulated.

It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without first securing a special use permit from the city administrator or his designee,. No permit shall be issued that does not comply with the special use permit application requirements. The permit shall not be granted unless such proposed activity will not unreasonably interfere with traffic, and unless a representative from the organization agrees to immediately clean up any and all litter which may be left on the streets or sidewalks as a result of the activity. It shall be unlawful for any organization and representative obtaining such a permit to fail to carry out the agreement to immediately clean up the resulting litter. If the terms and conditions of the application and permit are not followed, additional fees may be charged in accordance with the permit application guidelines. Fees for the Special Use Permit include a \$10.00 application fee and a \$250.00 refundable damage/clean-up deposit that must be submitted at least 20 days prior to the event. Any additional fees will be charged in accordance with the permit application guidelines.

Sec. 16-111. - Injury, etc., to trees and shrubs; hitching animals to same.

No person shall, without proper authority, willfully or maliciously break, cut, pull down, or otherwise injure any tree or shrub planted on public property along any street or in any other public place in the city.

No person shall hitch or tie any animal to any tree or shrub planted on public property along any street or in any other public place in the city.

Sec. 16-112. - Hedges, trees, etc., at intersections.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

Sec. 16-113. - Trees projecting over streets, etc.

It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than 14 feet.

Sec. 16-114. - Planting trees within street boundaries prohibited.

It shall be unlawful for any person to plant any trees within the boundaries of any street, alley, or public way within the city.

Sec. 16-115. - Erection of telephone or telegraph poles prohibited within certain areas.

It shall be unlawful and a nuisance for any person to erect telephone or telegraph poles on Main Street between Hill Street and Hamilton Avenue, Cumberland Street between First North Street and the Norfolk Southern Railway tracks or assigns, and Henry Street between First North Street and the Norfolk Southern Railway tracks or assigns.

Sec. 16-116. - Storing wrecked or abandoned vehicles on streets prohibited.

It shall be unlawful for any person, firm, corporation, or association, or any other party owning, or in charge or control of any junked, wrecked, disabled, inoperable, or abandoned vehicles to permit or allow such vehicles to be placed, maintained, parked or stored in or on any public street, City owned property, public parking lot, highway, or right-of-way thereof within the corporate limits of the city.

Any police officer of the city is hereby authorized to cause the removal of any vehicle being maintained in violation of this section to a local tow company, and no such vehicle so removed shall be reclaimed until the cost of such removal has been paid.

CHAPTER 2 - EXCAVATIONS AND CUTS

Sec. 16-201. - Permit required.

No person, firm, or corporation, shall make any excavation in any street, alley, or public place, or tunnel under any street, alley, or public place without having first obtained a permit as required by this chapter, and without complying with the provisions of this chapter. It shall be unlawful to violate or vary from the terms of any such permit, provided, that any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the Public Works office is open for business, and such permit shall be retroactive to the date when the work was begun. Prior to the issuance of a permit for any existing facilities along with the work proposed in the adjacent area shall be submitted for the approval of the City Administrator, or his designee,.

Sec. 16-202. - Application for permit.

Applications for permits required by this chapter shall be made to the City Administrator, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the City Administrator, or his designee, within 24 hours of its filing

Sec. 16-203. - Fees.

A non-refundable filing fee shall be charged for each application for a permit under this chapter, to cover clerical costs and investigations. This filing fee is over and above the cost of the permit itself.

In addition to the filing fee, fees established by resolution by the city council shall be charged for the issuance of the permit required by this chapter. The fees required by this section shall not apply to work undertaken by the city.

Sec. 16-204. - Deposit or bond.

No permit required by this chapter may be issued until the applicant therefor has deposited with the City Administrator, or his designee, a cash deposit in an amount specified to insure the proper restoration of the ground and, laying of the pavement, if any. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill, if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the City Administrator, or his designee, a surety bond in such form and amount deemed adequate to cover the costs to the city if the applicant fails to make proper restoration.

Sec. 16-205. - Bond and license.

(a) No person, firm, or corporation (including those persons, contractors, or contractors' representatives working for a public utility) may engage in any work within the public rights-of-way until such aforementioned parties shall have secured a license as hereinafter provided, and have executed and delivered to the City Administrator, or his designee, a good and sufficient bond with corporate surety in an amount specified, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance with the plans submitted and approved, and in compliance with the provisions of this chapter.

The bond herein required shall expire on the first day of January next following its approval by the City Administrator, or his designee, and thereafter on the first day of January of each year a new bond, in the form, and substance as

herein required, shall be given by such aforementioned parties to cover all such work as shall be done during such year.

(b) Upon approval of said bond, the aforementioned parties desiring to do such work shall secure from the City Administrator, or his designee, a nontransferable license which shall run until the first day of January next succeeding issuance, unless sooner revoked. The parties aforementioned obtaining a license shall pay an annual license fee of \$20.00 to the City Administrator, or his designee, provided, however, any license obtained after the first day of July shall be computed at the rate of one-half of the annual fee.

Sec. 16-206. - Insurance.

In addition to making the deposit or giving the bond required by this chapter to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance is by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the City Administrator, or his designee, in accordance with the nature of the risk involved; provided, that the general liability insurance shall be a minimum amount of one million dollars (\$1,000,000).

Sec. 16-207. - Barricades, warning lights, and temporary sidewalks.

Suitable barricades, satisfactory to the City Administrator, or his designee, to protect pedestrians and vehicles from the tunneling or excavating, shall be kept in place throughout the project or until such time as the City Administrator, or his designee, shall grant permission to remove the same. During the period from sunset to sunrise of each day, lights suitable and adequate to warn persons of such excavation or tunnel shall be kept in place. If any sidewalk is blocked by any excavation or tunnel, a temporary sidewalk shall be constructed, which shall be safe for travel and convenient for users.

Sec. 16-208. - Time within which work to be completed.

Each application for a permit under this chapter shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city is to restore such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the City Administrator, or his designee.

Sec. 16-209. - Supervision.

The City Administrator, or his designee, shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and enforce the provisions of this chapter. Notice shall be given to him at least twenty-four (24) hours before the work of refilling any such excavation or tunnel commences.

Sec. 16-210. - Depth of burial in public rights of way.

Those facilities, including utilities, being placed underground within the public right-of-way shall be buried no less than 30 inches deep, or as approved by the public works department, and in such a manner as to protect same from physical damage.

Sec. 16-211. - Restoration of streets, etc.

Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore such street, alley, or public place to its original conditions. In case of unreasonable delay in restoring the street, alley, or public place, the City Administrator, or his designee, shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified, reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

CHAPTER 3 - PLANS AND SPECIFICATIONS FOR SIDEWALKS, CURBS, AND GUTTERS

Sec. 16-301. - Sidewalks, curbs, and gutters to be constructed in accordance with plans and specifications.

All sidewalks, curbs, and gutters constructed or repaired within the city shall be constructed or repaired in accordance with plans and specifications on file in the office of the City Administrator, or his designee,.

Sec. 16-302. - Grade of sidewalks, curbs, and gutters.

All sidewalks, curbs, and gutters constructed or repaired within the city shall be constructed at the grade approved by the City Administrator, or his designee.

Sec. 16-303. - City Administrator, or his designee, to establish plans, specifications, and grades.

The City Administrator, or his designee, shall establish standard plans, specifications and grades for the construction and repair of sidewalks, curbs, and gutters within the city.

Sec. 16-304. - Replacement of improperly constructed sidewalks, etc.

If any person shall fail to comply with the required plans, specifications, or grades established by the City Administrator, or his designee, in the construction or repair of any sidewalks, curbs, or gutters, the City Administrator, or his designee, may take up such sidewalk, curb, or gutter and reconstruct the same according to proper plans and specifications or at proper grade. The expense of such work shall be charged to the person who constructed or repaired such sidewalk, curb, or gutter or who caused the same to be done. Such reconstruction shall be in addition to any other penalty imposed for the violation of this chapter.

Chapter 4 - UNIFORM STREET NAMING AND ADDRESSING

Sec. 16-401. - Chapter name.

This chapter shall be known as the "Uniform Street Naming and Addressing Ordinance of the City of Morristown, Tennessee."

Sec. 16-402. - Maintenance authority.

The Morristown Hamblen GIS Group (MHGIS) shall develop and maintain street names and property addressing in accordance with National Emergency Number Association (NENA) standards. MHGIS shall maintain a Master Street Address Guide (MSAG) of existing public and private street names and be responsible for ensuring that the proposed street names and addresses are in conformance with this ordinance. Street names and addresses shall be adopted by the city provided, however, that the city may modify such names and addresses within the guidelines set forth herein as deemed appropriate, based upon its best judgment after a review of all relevant facts and circumstances.

Sec. 16-403. - Center of origin.

The city shall be divided into four quadrants with a center of origin at the intersection of Main Street and Cumberland Street in downtown Morristown, as shown on the map identified by the title "Official Property Numbering Map (date)," which is filed in the office of the city recorder. Continuous street names which cross over these designated base lines shall carry the appropriate directional prefix, in addition to the proper street name.

Sec. 16-404. - Street designation.

Every proposed, existing, or constructed roadway which provides or will provide access to three or more dwelling units (whether or not this roadway is to be maintained by the city) will be identified as a street. The naming of a street does not imply ownership or maintenance responsibility by the city. Other designations such as Boulevard, Pike, Circle, etc., may be requested for consideration by application to the Morristown Planning Commission. The MPC

shall consider such request and approve or deny the request after consideration of the public interest.

Sec. 16-405. - House and building address procedure.

MHGIS shall designate the number of each lot or building using the street that allows main access to the primary structure within the city. Moving away from the center of origin, even numbers will be on the right side, and odd numbers will be on the left side of the roadway.

Multiple principle structures on a lot shall receive a unique number or letter for each structure.

Multiple occupants of a principle structure may be assigned multiple numbers across the linear frontage of structures or a unique number or letter for each occupant in addition to and distinct from the structure's designation.

Sec. 16-406. - Building required to have number.

It shall be the duty of the owners of all dwellings, apartment houses, hotels, commercial establishments, and other buildings to number such buildings with numerals not less than three and one-half inches in height. These numbers will be of such contrasting color and reflectivity and so located as to be readily visible from the street in daylight or when a light is shined upon them at night. Where such buildings have access to an alley, the numbers shall also be posted on the rear of the building, subject to the same requirements, so as to be easily seen from the alley. The owners shall number such dwellings, apartment houses, hotels, commercial establishments and other buildings in accordance with the provisions of this ordinance within 60 days after adoption of this ordinance.

Sec. 16-407. - Street names.

All proposed names for public streets and private easements shall be reviewed and approved by the Morristown Planning Commission (MPC). No street or private easement name will exceed 20 characters, including spaces and USPS defined suffixes.

Extensions of existing streets, including extensions across intersecting streets, shall use the same name as the existing street provided, however, that local streets which cross major collector or arterial streets may change names if approved after formal consideration by the MPC.

Street name duplications including phonetic duplications within the city are prohibited. Existing duplications shall be identified and a procedure initiated for changing the name of the street duplications, which is less disruptive to the community.

All initiated street name changes shall be formally acted upon and become effective, if approved, within six months of approval.

Sec. 16-408. - Street signs.

All public streets and private easements serving three or more dwelling units shall be signed at intersections. Signs shall be built in compliance

with the latest edition of "The Manual of Uniform Traffic Control Devices for Streets and Highways."

Street signs shall be provided within 30 days of public access to the facility. Any repair or replacement of street signs on publicly dedicated right-of-way shall be the responsibility of the city.

All street and road signs maintained by the city may display any required prefix letter designations, the official name, and the 100 block number where applicable.

Sec. 16-409. - Appeals.

Anyone aggrieved by the enforcement of this chapter may appeal the decision of the MPC to the board of zoning appeals (BZA) within seven calendar days.

Any person, firm, or corporation aggrieved by any decision of the BZA may file a writ of certiorari to the appropriate Hamblen County Court within thirty (30) days of the BZA decision.

Sec. 16-410. - Enforcement.

Enforcement of this chapter shall be accomplished through the city subdivision regulations, and city administrative departments. A proper address shall be required for any permit issuance.

Any person, firm, association, or corporation who violates, disobeys, omits, neglects, or refuses to comply with the chapter shall be guilty of a misdemeanor and subject to the penalties provided for such an offense.

Sec. 16-411. - Adoption.

Should any section, provision, clause, or portion of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the chapter as a whole, or any part thereof other than the part declared to be invalid."

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

PASSED ON FIRST READING THIS THE 3RD DAY OF OCTOBER 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 17TH DAY OF
OCTOBER 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

TITLE 16 - STREETS AND SIDEWALKS, ETC.^[1]

Chapter 1 – ~~Miscellaneous~~General Regulations

Chapter 2 – Excavations and Cuts

Chapter 3 – Plans and Specifications for Sidewalks, Curbs and Gutters

Chapter 4 – Uniform Street Naming and Addressing

Footnotes:

--- (1) ---

Cross reference— Related motor vehicle and traffic regulations, title 15.

Charter reference— Authority to open, pave, etc., streets and sidewalks, § 5(7); encroachments on streets, etc., § 5(23); obstructions on sidewalks; repair and cleaning of sidewalks, etc., § 5(24); sidewalks—construction and repair, §§ 8 and 9.

CHAPTER 1 - ~~MISCELLANEOUS~~GENERAL REGULATIONS

Sec. 16-101. - Obstructions prohibited.

No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. The ~~chief of police~~City Administrator, or his designee, may remove, at the expense of the owner, any goods, wares, merchandise, or materials found in violation of this section. This prohibition shall not apply in the Central Business District. However, within these areas in the Central Business District, a four (4) foot unobstructed pedestrian walkway shall be maintained at all times. The unobstructed pedestrian walkway shall be measured and maintained from the back of the curb in a perpendicular line to the building. Where permitted, said sales or exhibits of goods and materials shall not impede with traffic or cause any kind of safety hazard, or the materials will be subject to removal.

(1979 Code, § 12-101)

~~Sec. 16-102. — Banners and signs over streets.~~

~~It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley, except when expressly authorized by the city council.~~

~~(1979 Code, § 12-102)~~

~~Sec. 16-103. — Signs, awnings, and other structures projecting over streets, etc.~~

~~Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code and zoning ordinance of the city.~~

~~(1979 Code, § 12-103)~~

~~Cross reference—Building code, title 12, ch. 1.~~

Sec. 16-104. - Gates or doors opening over streets, alleys, or sidewalks prohibited.

It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley or sidewalk.

(1979 Code, § 12-104)

Sec. 16-105. - Discharging water over sidewalks or into streets prohibited.

No person shall permit any water to be discharged from the roof or guttering of any building or from any other drain or pipe onto or across any sidewalk in the city. No person shall discharge any soap suds, slops, or other unclean or contaminated water or other matter into or onto any street, alley, sidewalk, or storm gutter in the city. Any such discharge is hereby declared to be a public nuisance.

This section shall not be construed to prohibit any person from constructing drains under sidewalks, pursuant to the approved plans and specifications of by the city ~~engineer~~, which will convey storm water into the gutters alongside the sidewalks and curbs.

(1979 Code, § 12-105)

~~Sec. 16-106. - Discharging contaminated water, etc., into streets, etc.~~

~~No person shall discharge any soap suds, slops, or other unclean or contaminated water or other matter into or onto any street, alley, sidewalk, or gutter in the city. Any such discharge is hereby declared to be a public nuisance.~~

(1979 Code, § 12-10)

Sec. 16-107. - Obstruction of gutters, drainage ditches, etc.

No person shall obstruct or permit or cause the obstruction of any gutter or drainage ditch in any street or other public right-of-way in the city.

(1979 Code, § 12-107)

Sec. 16-108. - Sleds, coasters, bicycles, skates, and skateboards, regulated on streets, sidewalks and other public property.

No person shall use any sled, coaster, bicycle, roller skates, in-line skates or skateboard on any of the sidewalks of the city within the central business district zone of the city, as defined by the city's zoning ordinances, as may be amended from time to time, or on the city center plaza, or inside any publicly owned building. No person shall use any sled, coaster, roller skates, in-line skates or skateboard on any streets, alleys, or vehicular roadways in the city or publicly owned parking areas of the city.

Where operation of any sled, coaster, bicycle, roller skates, in-line skates or skateboard is permitted on sidewalks, the operator of same shall yield to pedestrians on such sidewalks.

(1979 Code, § 12-108; Ord. No. 2952, 7-1998; Ord. No. 3013, 10-1999)

~~Sec. 16-109. - Posting of central business district zone boundaries required.~~

~~The boundaries of the central business district zone, as may be changed from time to time by amendment of the city's zoning ordinances, shall be defined and posted at the city center.~~

~~(1979 Code, § 12-109, Ord. No. 2952, 7-1998; Ord. No. 3013, 10-1999)~~

Sec. 16-110. - Games in streets.

No person shall play or engage in any game of ball or any other game or sport on any of the streets, alleys, or other vehicular roadways in the city.

(1979 Code, § 12-110)

Sec. 16-111. - ~~Vehicles and a~~Animals prohibited on sidewalks.

No person shall ~~drive or~~ ride any ~~vehicle or any~~ animal upon or over any sidewalk in the city, except where driveways or other crossings have been provided for such purpose.

(1979 Code, § 12-111)

Sec. 16-112. - Littering streets, sidewalks etc., prohibited.

(a) *Definitions.* The following definitions shall apply to the interpretation and enforcement of this chapter:

~~Bulky refuse~~Bulk waste means discarded appliances such as stoves, refrigerators, water tanks, washing machines, discarded furniture, and inoperable motor vehicles, or similar bulky materials ~~having a weight greater than 75 pounds and/or volume greater than 35 gallons, that are of such a size, shape, or weight that they cannot be placed in a regular trash container.~~

Garbage includes ~~putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food~~ household wastes, including, but not limited to, food waste, which includes putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, bottles, waste paper, cans, clothing, and general refuse.

Litter includes garbage, refuse, rubbish, tobacco waste products and all other waste materials.

Person means every natural person, firm, partnership, association, corporation, municipal corporation or public authority.

Refuse, as a comprehensive term, ~~means any worthless leaving to be discarded, including but not limited to, garbage, bulky refuse, rubbish, and industrial and hazardous waste.~~includes 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.

Rubbish includes all combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper,

rag, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

(b) *Throwing, dumping or depositing litter.*

- (1) A person shall not throw, dump, deposit, or cause to be thrown, dumped, or deposited, litter or maintain a nuisance on property, improved or vacant or on any public parkway, pathway, street, or road, upon public parks, or recreation areas, or upon any other public property, except that property designated for that use.
 - (2) If an object of litter is discovered, on another's property without his or her permission, on any public highway, street or road, upon public parks or recreation areas, or upon any other public property, except that property designated for that use, bearing a person's name, it shall be prima facie evidence that the person whose name appears on the object, threw, dumped, deposited or caused it to be thrown, dumped or deposited there.
- (c) *Evidence against driver of motor vehicle.* If the throwing, dumping or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle.

(d) *Reporting litter from motor vehicle.*

- (1) Any person, whether or not such person is a citizen of the city, who shall witness the throwing, dumping or depositing of litter from a motor vehicle onto any public highway, street or road, onto another's property without the owner's permission, onto public park or public recreation lands, or onto any other public property, except such as is designated for the throwing, dumping or depositing of litter, may report the date and time of day of the littering and the license plate registration number and state of registration to any state or local law enforcement authority.
 - (2) The license plate registration number as recorded shall constitute prima facie evidence that the littering was done by the person to whom such motor vehicle is registered.
 - (3) Any person so reporting a violation shall be required to appear as a witness in any prosecutions resulting therefrom.
- (e) *Prosecution by peace officer or private citizen.* Prosecution for a violation of sections 9-60-1—9-60-5 may be initiated by a peace officer who witnessed an offense in violation of such sections, or who discovered an article bearing a person's name on the property of another, or any public highway, street or road, upon a public park or recreation area, or upon any other public property, except that designated for that use, or by any private citizen, who witnessed an offense or discovered incriminating evidence, who is willing to make the initial charge and testify for the city, by having a summons issued by a court clerk.

(f) *Violations—Penalties.*

- (1) A person who violates a provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$50.00. Each violation is considered a separate offense and punishable as such.
- (2) The judge, in his or her discretion, may allow the person convicted of a violation of this chapter to remove the litter the person threw, dumped, deposited or cause to be thrown, dumped or deposited, from the property in lieu of the penalty as provided in this section.

(1979 Code, § 12-112; Ord. No. 3472, 5-2013)

Sec. 16-113. - Abutting property owners to keep sidewalks clean; removal of ice and snow from sidewalks.

The occupants of property abutting on a sidewalk shall keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants shall remove all accumulated snow or ice from the abutting sidewalk.

(1979 Code, § 12-113)

Sec. 16-114. - Special uses regulated.

It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without first securing a special use permit from the city administrator or his ~~designee~~designee. No permit shall be issued that does not comply with the special use permit application requirements. The permit shall not be granted unless such proposed activity will not unreasonably interfere with traffic, and unless a representative from the organization agrees to immediately clean up any and all litter which may be left on the streets or sidewalks as a result of the activity. It shall be unlawful for any organization and representative obtaining such a permit to fail to carry out the agreement to immediately clean up the resulting litter. If the terms and conditions of the application and permit are not followed, additional fees may be charged in accordance with the permit application guidelines. Fees for the Special Use Permit include a \$10.00 application fee and a \$250.00 refundable damage/clean-up deposit that must be submitted at least 20 days prior to the event. Any additional fees will be charged in accordance with the permit application guidelines.

(1979 Code, § 12-114; Ord. No. 3531, 2-2-2016.)

Sec. 16-115. - Injury, etc., to trees and shrubs; hitching animals to same.

No person shall, without proper authority, willfully or maliciously break, cut, pull down, or otherwise injure any tree or shrub planted on public property along any street or in any other public place in the city.

No person shall hitch or tie any animal to any tree or shrub planted on public property along any street or in any other public place in the city.

(1979 Code, § 12-115)

Sec. 16-116. - Hedges, trees, etc., at intersections.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

(1979 Code, § 12-116)

Sec. 16-117. - Trees projecting over streets, etc.

It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than 14 feet.

(1979 Code, § 12-117)

Sec. 16-118. - Planting trees within street boundaries prohibited.

It shall be unlawful for any person to plant any trees within the boundaries of any street, alley, or public way within the city.

(1979 Code, § 12-118)

~~Sec. 16-119. — Permit required to haul loose dirt over public streets.~~

~~No person shall haul loose dirt over the public streets of the city without first securing a permit for such hauling from the city engineer.~~

~~(1979 Code, § 12-119)~~

Sec. 16-120. - Erection ~~or maintenance~~ of telephone or telegraph poles prohibited within certain areas.

It shall be unlawful and a nuisance for any person to erect ~~or maintain~~ telephone or telegraph poles on Main Street between Hill Street and ~~Pence Court Street~~ Hamilton Avenue, Cumberland Street between First North Street and the Norfolk Southern Railway tracks or assigns, and Henry Street between First North Street and the Norfolk Southern Railway tracks or assigns.

(1979 Code, § 12-120)

Sec. 16-121. - Storing wrecked or abandoned vehicles on streets prohibited.

It shall be unlawful for any person, firm, corporation, or association, or any other party owning, or in charge or control of any junked, wrecked, disabled, inoperable, or abandoned vehicles to permit or allow such vehicles to be placed, maintained, parked or stored in or on any public street, City owned property, public parking lot, highway, or right-of-way thereof within the corporate limits of the city.

~~The building inspector or a~~Any police officer of the city is hereby authorized to ~~remove or have removed~~cause the removal of any vehicle being maintained in violation of this section to a local tow company, and no such vehicle so removed shall be reclaimed until the cost of such removal has been paid.

(1979 Code, § 12-121)

CHAPTER 2 - EXCAVATIONS AND CUTS^[2]

Footnotes:

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State Law reference— This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S W 2d 885 (1960).

Sec. 16-201. - Permit required.

No person, firm, or corporation, shall make any excavation in any street, alley, or public place, or tunnel under any street, alley, or public place without having first obtained a permit as required by this chapter, and without complying with the provisions of this chapter. It shall be unlawful to violate or vary from the terms of any such permit, provided, that any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the ~~office of the city engineer~~Public Works office is open for business, and such permit shall be retroactive to the date when the work was begun. Prior to the issuance of a permit for any existing facilities along with the work proposed in the adjacent area shall be submitted for the approval of the ~~city engineer~~City Administrator, or his designee.

(1979 Code, § 12-201)

Sec. 16-202. - Application for permit.

Applications for permits required by this chapter shall be made to the ~~city engineer~~City Administrator, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the ~~city engineer~~City Administrator, or his designee, within 24 hours of its filing

(1979 Code, § 12-202)

Sec. 16-203. - Fees.

A ~~nonreturnable non-refundable~~ filing fee shall be charged for each application for a permit under this chapter, to cover clerical costs and investigations. This filing fee is over and above the cost of the permit itself.

In addition to the filing fee, fees established by resolution by the city council shall be charged for the issuance of the permit required by this chapter. The fees required by this section shall not apply to work undertaken by the city.

(1979 Code, § 12-203)

Sec. 16-204. - Deposit or bond.

No permit required by this chapter ~~shall~~may be issued until the applicant therefor has deposited with the ~~city engineer~~City Administrator, or his designee, a cash deposit in an amount ~~to be~~ specified ~~by the city engineer~~ to insure the proper restoration of the ground and, laying of the pavement, if any. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill, if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the ~~city engineer~~City Administrator, or his designee, a surety bond in such form and amount ~~as the city engineer shall deem~~deemed adequate to cover the costs to the city if the applicant fails to make proper restoration.

(1979 Code, § 12-204)

Sec. 16-205. - Bond and license.

- (a) No person, firm, or corporation (including those persons, contractors, or contractors' representatives working for a public utility) ~~shall~~ may engage in any work within the public rights-of-way until such aforementioned parties shall have secured a license as hereinafter provided, and ~~shall~~ have executed and delivered to the ~~city recorder of the city~~ City Administrator, or his designee, a good and sufficient bond ~~in the penal sum of \$5,000.00~~ with corporate surety in an amount specified, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance with the plans submitted and approved, and in compliance with the provisions of this chapter.

The bond herein required shall expire on the first day of January next following its approval by the ~~city recorder~~ City Administrator, or his designee, and thereafter on the first day of January of each year a new bond, in the form, and substance as herein required, shall be given by such aforementioned parties to cover all such work as shall be done during such year.

- (b) Upon approval of said bond, the aforementioned parties desiring to do such work shall secure from the ~~city recorder~~ City Administrator, or his designee, a nontransferable license which shall run until the first day of January next succeeding issuance, unless sooner revoked. The parties aforementioned obtaining a license shall pay an annual license fee of \$20.00 to the ~~city recorder~~ City Administrator, or his designee,; provided, however, any license obtained after the first day of July shall be computed at the rate of one-half of the annual fee.

(1979 Code, § 12-205)

Sec. 16-206. - Insurance.

In addition to making the deposit or giving the bond required by this chapter to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance is by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the ~~city engineer~~ City Administrator, or his designee, in accordance with the nature of the risk involved; provided, that the ~~general liability insurance for bodily injury shall not be less than \$100,000.00 for each person and \$300,000.00 for each accident, and for property damages not less than \$25,000.00 for any one accident, and a \$75,000.00 aggregate, shall be a minimum amount of one million dollars (\$1,000,000).~~

(1979 Code, § 12-206)

Sec. 16-207. - Barricades, warning lights, and temporary sidewalks.

Suitable barricades, satisfactory to the ~~city engineer~~ City Administrator, or his designee,, to protect pedestrians and vehicles from the tunneling or excavating, shall be kept in place throughout the project or until such time as the ~~city engineer~~ City Administrator, or his designee, shall grant permission to remove the same.

During the period from sunset to sunrise of each day, lights suitable and adequate to warn persons of such excavation or tunnel shall be kept in place.

If any sidewalk is blocked by any excavation or tunnel, a temporary sidewalk shall be constructed, which shall be safe for travel and convenient for users.

(1979 Code, § 12-207)

Sec. 16-208. - Time within which work to be completed.

Each application for a permit under this chapter shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city is to restore such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the ~~city engineer~~City Administrator, or his designee.

(1979 Code, § 12-208)

Sec. 16-209. - Supervision.

The ~~city engineer~~City Administrator, or his designee, shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and enforce the provisions of this chapter. Notice shall be given to him at least ~~ten~~twenty-four (24) hours before the work of refilling any such excavation or tunnel commences.

(1979 Code, § 12-209)

Sec. 16-210. - Depth of burial in public rights of way.

Those facilities, including utilities, being placed underground within the public right-of-way shall be buried no less than 30 inches deep, or as approved by the public works department, and in such a manner as to protect same from physical damage.

(1979 Code, § 12-210)

Sec. 16-211. - Restoration of streets, etc.

Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore such street, alley, or public place to its original conditions. In case of unreasonable delay in restoring the street, alley, or public place, the ~~city engineer~~City Administrator, or his designee, shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified, reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

(1979 Code, § 12-211)

CHAPTER 3 - PLANS AND SPECIFICATIONS FOR SIDEWALKS, CURBS, AND GUTTERS

Sec. 16-301. - Sidewalks, curbs, and gutters to be constructed in accordance with plans and specifications.

All sidewalks, curbs, and gutters constructed or repaired within the city shall be constructed or repaired in accordance with plans and specifications on file in the office of the ~~city engineer~~City Administrator, or his designee.

(1979 Code, § 12-301)

Sec. 16-302. - Grade of sidewalks, curbs, and gutters.

All sidewalks, curbs, and gutters constructed or repaired within the city shall be constructed at the grade ~~established~~approved by the ~~city engineer~~City Administrator, or his designee.

(1979 Code, § 12-302)

Sec. 16-303. - City ~~engineer~~Administrator, or his designee, to establish plans, specifications, and grades.

The city ~~engineer~~Administrator, or his designee, shall establish standard plans, ~~and specifications~~and grades for the construction and repair of sidewalks, curbs, and gutters within the city. ~~Such plans and specifications shall be approved by resolution of the city council.~~

~~The city engineers shall also establish grades for all sidewalks, curbs, and gutters. Such grades shall be approved by resolution of the city council.~~

(1979 Code, § 12-303)

Sec. 16-304. - Replacement of improperly constructed sidewalks, etc.

If any person shall fail to comply with the required plans, specifications, or grades established by the ~~city engineer~~City Administrator, or his designee, in the construction or repair of any sidewalks, curbs, or gutters, the ~~city engineer~~City Administrator, or his designee, may take up such sidewalk, curb, or gutter and reconstruct the same according to proper plans and specifications or at proper grade. The expense of such work shall be charged to the person who constructed or repaired such sidewalk, curb, or gutter or who caused the same to be done. Such reconstruction shall be in addition to any other penalty imposed for the violation of this chapter.

(1979 Code, § 12-304)

Chapter 4 - UNIFORM STREET NAMING AND ADDRESSING^[3]

Footnotes:

--- (3) ---

Editor's note--- Ord. No. 3514, adopted Feb. 3, 2015, repealed ch. 4 and ch. 5, for purposes of enacting a new, combined ch. 4 to read as herein set out. The former ch. 4, §§ 16-401---16-405, pertained to numbering of buildings and properties, and derived from the 1979 Code, §§ 12-401---12-405. Former ch.

5, §§ 16-501—16-506, pertained to street names, renaming, designations, posting of signs, place designations, and wayfinding program; and Ord. No. 3342, adopted Sept. 2008.

Sec. 16-401. - Chapter name.

This chapter shall be known as the "Uniform Street Naming and Addressing Ordinance of the City of Morristown, Tennessee."

(Ord. No. 3514, 2-3-2015)

Sec. 16-402. - Maintenance authority.

The Morristown Hamblen GIS Group (MHGIS) shall develop and maintain street names and property addressing in accordance with National Emergency Number Association (NENA) standards. MHGIS shall maintain a Master Street Address Guide (MSAG) of existing public and private street names and be responsible for ensuring that the proposed street names and addresses are in conformance with this ordinance. Street names and addresses shall be adopted by the city provided, however, that the city may modify such names and addresses within the guidelines set forth herein as it, in its wisdom, deems appropriate, deemed appropriate, based upon its best judgment after a review of all relevant facts and circumstances.

(Ord. No. 3514, 2-3-2015)

Sec. 16-403. - Center of origin.

The city shall be divided into four quadrants with a center of origin at the intersection of Main Street and Cumberland Street in downtown Morristown, as shown on the map identified by the title "Official Property Numbering Map (date)," which is filed in the office of the city recorder. Continuous street names which cross over these designated base lines shall carry the appropriate directional prefix, in addition to the proper street name.

(Ord. No. 3514, 2-3-2015)

Sec. 16-404. - Street designation.

Every proposed, existing, or constructed roadway, which provides, or will provide access to three or more dwelling units, (whether or not this roadway is to be maintained by the city) will be identified as a street. The naming of a street does not imply ownership or maintenance responsibility by the city. Other designations such as Boulevard, Pike, Circle, etc., may be requested for consideration by application to the Morristown Planning Commission. The MPC shall consider such request and approve or deny the request after consideration of the public interest.

(Ord. No. 3514, 2-3-2015)

Sec. 16-405. - House and building address procedure.

MHGIS shall designate the number of each lot or building using the street that allows main access to the primary structure within the city. Moving away from the center of origin, even numbers will be on the right side, and odd numbers will be on the left side of the roadway.

Multiple principle structures on a lot shall receive a unique number or letter for each structure.

Multiple occupants of a principle structure may be assigned multiple numbers across the linear frontage of structures or a unique number or letter for each occupant in addition to and distinct from the structure's designation.

(Ord. No. 3514, 2-3-2015)

Sec. 16-406. - Building required to have number.

It shall be the duty of the owners of all dwellings, apartment houses, hotels, commercial establishments, and other buildings to number such buildings with numerals not less than three and one-half inches in height. These numbers will be of such contrasting color and reflectivity and so located as to be readily visible from the street in daylight or when a light is shined upon them at night. Where such buildings have access to an alley, the numbers shall also be posted on the rear of the building, subject to the same requirements, so as to be easily seen from the alley. The owners shall number such dwellings, apartment houses, hotels, commercial establishments and other buildings in accordance with the provisions of this ordinance within 60 days after adoption of this ordinance.

(Ord. No. 3514, 2-3-2015)

Sec. 16-407. - Street names.

All proposed names for public streets and private easements shall be reviewed and approved by the Morristown Planning Commission (MPC). No street or private easement name will exceed 20 characters, including spaces and USPS defined suffixes.

Extensions of existing streets, including extensions across intersecting streets, shall use the same name as the existing street provided, however, that local streets which cross major collector or arterial streets may change names if approved after formal consideration by the MPC.

Street name duplications including phonetic duplications within the city are prohibited. Existing duplications shall be identified and a procedure initiated for changing the name of the street duplications, which is less disruptive to the community.

All initiated street name changes shall be formally acted upon and become effective, if approved, within six months of approval.

(Ord. No. 3514, 2-3-2015)

Sec. 16-408. - Street signs.

All public streets and private easements serving three or more dwelling units shall be signed at intersections. Signs shall be built in compliance with the latest edition of "The Manual of Uniform Traffic Control Devices for Streets and Highways."

Street signs shall be provided within 30 days of public access to the facility. Any repair or replacement of street signs on publicly dedicated right-of-way shall be the responsibility of the city.

All street and road signs maintained by the city may display any required prefix letter designations, the official name, and the 100 block number where applicable.

(Ord. No. 3514, 2-3-2015)

Sec. 16-409. - Appeals.

Anyone aggrieved by the enforcement of this chapter may appeal the decision of the MPC to the board of zoning appeals (BZA) within seven calendar days.

Any person, firm, or corporation aggrieved by any decision of the BZA may ~~appeal to the city administrator to consider the same. All appeals shall be filed at the MPC office within 30 days of the date of the decision being appealed. file a writ of certiorari to the appropriate Hamblen County Court within thirty (30) days of the BZA decision.~~

(Ord. No. 3514, 2-3-2015)

Sec. 16-410. - Enforcement.

Enforcement of this chapter shall be accomplished through the city subdivision regulations, and city administrative departments. A proper address shall be required for any permit issuance.

Any person, firm, association, or corporation who violates, disobeys, omits, neglects, or refuses to comply with the chapter shall be guilty of a misdemeanor and subject to the penalties provided for such an offense.

(Ord. No. 3514, 2-3-2015)

Sec. 16-411. - Adoption.

Should any section, provision, clause, or portion of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the chapter as a whole, or any part thereof other than the part declared to be invalid.

(Ord. No. 3514, 2-3-2015)



U. S. Department of Housing and Urban Development

Knoxville Field Office, Region IV
John J. Duncan Federal Building
710 Locust Street, Suite 300
Knoxville, Tennessee 37902-2526

September 12, 2017

Anthony Cox, City Administrator
City of Morristown
100 West First North Street
Morristown, TN 37816

Dear Mr. Cox:

SUBJECT: Approval of the 2017 Consolidated Annual Action Plan

I am pleased to transmit to you the U.S. Department of Housing and Urban Development's (HUD) approval of the 2017 Consolidated Annual Action Plan for funding under the Community Development Block Grant (CDBG) Program. Your jurisdiction's Program Year (PY) 2017 begins on July 1, 2017, and \$261,485 in CDBG funding is available.

The Department commends the City of Morristown and staff on the efforts which successfully completed this Consolidated Annual Action Plan. The goals and objectives developed through this process will provide and expand the foundation for partnerships at all levels of government with citizens and the private sector, including for profit and nonprofit organizations. These partnerships have proven to be invaluable as you and your partners address the problems of affordable housing, homelessness, community development needs, and economic opportunities for all citizens, particularly for very low-income and low-income persons. In addition, these programs are instrumental as your community and the Nation address pressing housing and economic problems and address the needs of our citizens.

On July 8, 2015, the Department announced the Final Rule on affirmatively furthering fair housing (AFFH). The Final Rule will equip communities that receive HUD funding with data and tools to help them meet long-standing fair housing obligations in their use of HUD funds. This Final Rule will also enhance measures through CPD programs to promote diverse, inclusive communities." A AFFH fact sheet may be found at the following website:

[http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/16affh_home_page.](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/16affh_home_page)

Throughout the program year, training and technical assistance will be provided. We also encourage your jurisdiction to participate in these training/technical assistance sessions.

A copy of your Consolidated Annual Action Plan was provided to the Department program offices for review and comments. Any received comments are provided as an enclosure to this letter or are included in the Advice and Guidance enclosure.

Enclosed are three originals of the Grant Agreements for CDBG Entitlement Program (form HUD 7082), which require the Mayor's or the official designee's signatures. These constitute the contract between HUD and the City of Morristown.

For each grant agreement, specific information is required for those using an Indirect Cost Rate. If funding assistance will be used for payment of indirect costs pursuant to 2 CFR 200, Subpart E-Cost Principles, you are required to enter specific information as instructed. The requirement on Indirect Cost rate is indicated under the Special Conditions, Item 8 (attached) for CDBG. Now, if your jurisdiction is not using an indirect cost rate, you are required to state NO. If your jurisdiction is using an indirect cost rate, then enter the required information as indicated for each funded program on each grant agreement (Funding Approval). If no answer and/or no information are provided, then the applicable grant agreement(s) are not considered as fully executed and will be returned to your jurisdiction for completion. Also, please be aware that the HUD Field Accounting Center will not process the grant agreements until the required information has been entered on a grant agreement. As such, no funds will be available to be drawn down by your jurisdiction. You are also reminded to also review and comply with the other special conditions included in the Funding Approvals (Item 8 for CDBG). You are also reminded that HUD funds are drawn down using a grant based approach in the Integrated Disbursement and Information System (IDIS).

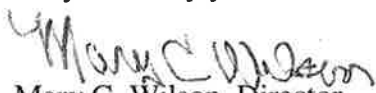
As you know, formula grant funds are governed by the Department and the management of the Consolidated Plan, including the Consolidated Annual Action Plan is handled by the Office of Community Planning and Development (CPD). I have signed the agreements and applicable funding approval forms. Please retain one set of originals for your records and return the other two sets to CPD as noted below:

U.S. Department of Housing and Urban Development
Mary C. Wilson, Director, CPD
John J. Duncan Federal Building, Suite 300
710 Locust Street, SW
Knoxville, TN 37902

Failure to execute and return the grant agreements within 60 days of the date of this letter may be considered to constitute rejection of the grant and cause for HUD to determine that the funds are available for reallocation to other grantees. Also, the year- end reporting on 2016 program performance and accomplishments in the Consolidated Annual Performance and Evaluation Report (CAPER) is due to CPD 90 days after the end of the 2016 program year. At this time, no new guidance has been received from our headquarters, and grantees are advised to follow the format used for last year's CAPER reporting and submitted the CAPER using IDIS. For submission of other HUD program required reports, please refer to the enclosed Advice and Guidance for instructions.

We look forward to working with your jurisdiction to accomplish the goals set forth for your jurisdiction. In the meantime, if you have any questions regarding this letter, please contact me at (865) 474-8225.

Very sincerely yours,

A handwritten signature in dark ink, appearing to read "Mary C. Wilson", is written over the typed name.

Mary C. Wilson, Director
Office of Community Planning
and Development

Enclosures

cc

Honorable Gary Chesney

Mayor of Morristown

Tracy Stroud, Community Development Coordinator

**KNOXVILLE OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT
PROGRAM YEAR 2017
CONSOLIDATED ANNUAL ACTION PLAN
ADVICE AND GUIDANCE**

MORRISTOWN, TENNESSEE

The Knoxville Office of Community Planning and Development (CPD), U. S. Department of Housing and Urban Development (HUD) provides the following Advice and Guidance to assist your jurisdiction as it implements the activities under the 2017 Consolidated Annual Action Plan, prepare for the completion of the 2016 Consolidated Annual Performance and Evaluation Report (CAPER), and begin the process for developing the next Plan submission.

Accessing the Integrated Disbursement and Information System (IDIS) – Important Reminder

IDIS users are reminded to log into IDIS at least monthly to maintain their system access. The system will remove any and all users that fail to log in within 90 days.

Technical Assistance

Technical assistance is available for grantees to implement, operate, or administer CPD-funded program. HUD has Technical Assistance (TA) available to help. Based on the information you provide, HUD will determine the type and level of assistance available to you. Technical assistance is more involved than basic policy questions. It involves recurrent communication with TA providers, possible site visits, and/or longer-term assistance that enables your organization to build skills, knowledge and capacity for operating CPD programs. To make the TA request contact Knoxville CPD or go to the below website:

<https://www.hudexchange.info/program-support/technical-assistance/>

Environmental Review Procedures for Formula Programs

Certain activities included in the Consolidated Plan are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures for the CDBG, HOME, Emergency Solution Grants, and Housing Opportunities for Persons With AIDS Programs). Funds for such activities may not be obligated or expended unless HUD has approved the release of funds in writing. A request for the release of funds must be accompanied by an environmental certification. Grantee are encouraged to submit all environmental review requests in the HUD Environmental Review Online System (HEROS). At this time, such requests may also be submitted to Knoxville CPD.

Minority Business Enterprise (MBE)/Women Owned Business (WOB) and Section 3 Activities

Executive Orders 12432 and 11625 require all Federal agencies to promote MBE, including women owned businesses, participation in their programs. The next MBE report, Contract and Subcontract Activity, covers the period of October 1, 2016 - September 30, 2017. As indicated on the form, the required submission date is within 10 days of September 30th each year.

Section 3

You are also urged to expand your efforts in complying with Section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135. Section 3 provides that to the greatest extent feasible opportunities of employment and training be given to lower income residents of the project area and contracts be awarded to businesses located in or owned, substantially by residents of the project area. All direct recipients of HUD funding covered by Section 3 must submit Form 60002 annually. All reports must be submitted in the Section 3 Performance Evaluation and Registry System (SPEARS). The Section 3 Report is due 90 days at the end of each Consolidated Plan grantee's program year and is requested at the time of submission of the Consolidated Annual Performance and Evaluation Report. For more information on access to SPEARS, please go to the following website:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/section3/section3/spears

Plan's Overall Assessment

The 2017 Consolidated Annual Action Plan was successfully submitted in a timely manner and contains all the required components as specified at 24 CFR Section 91.220. The Action Plan is for the third year of the 2015-2020 Consolidated Plan. The Plan contains all the required components as specified by the Consolidated Plan regulations. The initial public hearings to solicit input regarding community needs for the Action Plan were held on January 27, 2017 and February 1, 2017. A draft of the proposed Action Plan was made available to the public April 4, 2017. Two public hearing were held to solicit comments on the draft Action Plan on April 6, 2017 and April 20, 2017. A final comment period was allowed prior to final submission. All comments to date have been requests for funding and general support for the program.

For the 2017 Action Plan, the City has allocated its \$261,485 in CDBG funding to the following activities: \$73,657.60- Homeowner Rehab/Emergency Assistance; \$65,530.40-Rose Center; \$5,000-MATS; \$10,000-MHCS Homeless prevention program; \$5,000-TVCH CoC HUD HMIS Program; \$50,000-Façade Economic Development Program.

Funding Approval/Agreement

Title I of the Housing and Community
Development Act (Public Law 930383)
HI-00515R of 20515R

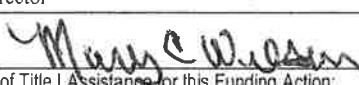
U.S. Department of Housing and Urban Development

Office of Community Planning and Development
Community Development Block Grant Program

OMB Approval No. 2506-0193
exp 5/31/2018

1. Name of Grantee (as shown in item 5 of Standard Form 424) City Of Morristown	3a. Grantee's 9-digit Tax ID Number 626000369	3b. Grantee's 9-digit DUNS Number 079026779
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 100 W 1St North St Ste 100 Morristown, TN 37814-4652	4. Date use of funds may begin 07/01/2017	
	5a. Project/Grant No. 1 B-17-MC-47-0013	6a. Amount Approved \$261,485.00
	5b. Project/Grant No. 2	6b. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Mary Wilson		Grantee Name City Of Morristown		
Title CPD Director		Title		
Signature 	Date (mm/dd/yyyy) 09/12/2017	Signature	Date (mm/dd/yyyy)	
7. Category of Title I Assistance for this Funding Action: Entitlement, Sec 106(b)	8. Special Conditions (check one) ☐ None ☒ Attached	9a. Date HUD Received Submission 07/13/2017	10. check one ☒ a. Orig. Funding Approval ☐ b. Amendment Amendment Number	
		9b. Date Grantee Notified 09/12/2017		
		9c. Date of Start of Program Year 07/01/2017		
11. Amount of Community Development				
Block Grant		FY (2017)	FY (2016)	FY ()
a. Funds Reserved for this Grantee		\$261,463.00	\$ 22.00	
b. Funds now being Approved				
c. Reservation to be Cancelled (11a minus 11b)				
12a. Amount of Loan Guarantee Commitment now being Approved N/A		12b. Name and complete Address of Public Agency City Of Morristown 100 W 1St North St Ste 100 Morristown, TN 37814		
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.		12c. Name of Authorized Official for Designated Public Agency		
		Title		
		Signature		

HUD Accounting use Only

Batch	TAC	Program Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153										
	176										
		Y					Project Number		Amount		
		Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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24 CFR 570

form HUD-7082 (5/15)

[Return to Agenda](#)

8. Special Conditions.

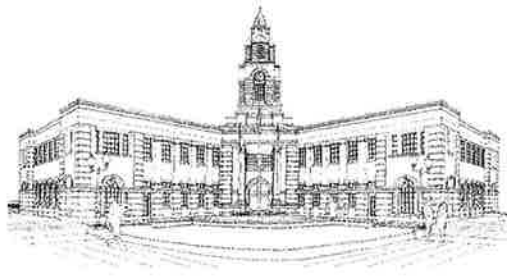
- (a) The period of performance for the funding assistance specified in the Funding Approval ("Funding Assistance") shall begin on the date specified in item 4 and shall end on September 1, 2024. The Grantee shall not incur any obligations to be paid with such assistance after September 1, 2024.
- (b) If Funding Assistance will be used for payment of indirect costs pursuant to 2 CFR 200, Subpart E - Cost Principles, attach a schedule in the format set forth below to the executed Grant Agreement that is returned to HUD. The schedule shall identify each department/agency that will carry out activities with the Funding Assistance, the indirect cost rate applicable to each department/agency (including if the de minimis rate is charged per 2 CFR §200.414), and the direct cost base to which the rate will be applied. Do not include indirect cost rates for subrecipients.

<u>Administering Department/Agency</u>	<u>Indirect cost rate</u>	<u>Direct Cost Base</u>
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____

- (c) In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the System for Award Management (SAM.gov), and the Federal Funding Accountability and Transparency Act as provided in 2 CFR part 25, Universal Identifier and Central Contractor Registration, and 2 CFR part 170, Reporting Subaward and Executive Compensation Information.
- (d) The grantee shall ensure that no CDBG funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are

subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

- (e) The Grantee or unit of general local government that that indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.
- (f) E.O. 12372-Special Contract Condition - Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.
- (g) CDBG funds may not be provided to a for-profit entity pursuant to section 105(a)(17) of the Act unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR 570 - "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements." (Source - P.L. 113-235, Consolidated and Further Continuing Appropriations Act, 2015, Division K, Title II, Community Development Fund).



Morristown City Council Agenda Item Summary

Date: September 27, 2017

Agenda Item: Approval of Bid – Runway Rehabilitation Project

Prepared by: Joey Barnard, Finance Director

Subject: Runway Rehabilitation Bid at the Morristown Regional Airport

Background/History: The City of Morristown and its consultants have identified the need to perform runway rehabilitation to ensure that the Morristown Regional Airport's largest asset is maintained. This project will encompass the removal of existing markings, proper filling of cracks within the runway, sealing of the runway with thermoplastic coal tar emulsion treatment, and install proper markings on the runway. This will extend the life of the runway. While it will be necessary to close the runway for a period of time, the benefits of this project greatly exceed the minor inconveniences of the closure.

Findings/Current Activity: The Bid was advertised in the *Citizen Tribune* on August 20, 2017 and on August 23, 2017 and in the Knoxville News Sentinel on August 20, 2017. Additionally, the bid was posted through Vendor Registry, an on-line bid facilitation website. The submission deadline was 2:00 PM on Tuesday, September 12, 2017.

Financial Impact: This project is funded with ninety-five percent (95%) grant funds and five (5%) percent local funds. Funds have been appropriated in the budget and local funds have been remitted to the State of Tennessee in accordance with terms of the grant contract.

Action options/Recommendations: Michael Baker International is recommending to the Morristown Airport Commission to accept the best and lowest bid submitted by Ameriseal of Ohio. The Morristown Airport Commission is set to meet on Monday, October 1, 2017 to act on the recommendation.

Attachments: Letter of Recommendation

September 18, 2017

Mr. Joey Barnard
Finance Director
City of Morristown
P.O. Box 1499
Morristown, TN 37826-1499

RE: Runway Rehabilitation
Morristown Regional Airport
TAD No: 32-555-0159-17

Dear Mr. Barnard,

Bids for the above referenced project were received from two contractors on September 12, 2017. Bids were received from Lynn Sanford Construction, Inc. and Ameriseal of Ohio, Inc. The bids were opened publicly and read aloud. The bids as received are summarized as follows:

Bid Items	Lynn Sanford Construction	Ameriseal of Ohio
Base Bid	\$213,826.00	\$323,456.00
Bid Alternate	No Bid	\$309,656.00

A tabulations of bids is enclosed for review. Each bid was reviewed to determine the responsiveness of the contractors. Our conclusion is as follows:

1. Lynn Sanford Construction has two issues that cause concern. The first is the Proposal Guarantee Bond is made out to Zebra Striping, LLC and has not been signed by either party. Further investigation reveals that Zebra Striping appears not to be authorized to do business in Tennessee. The second concern is the bid amount will exceed their license monetary limit, which is already exceeded by existing contracts.
2. The bid submitted by Ameriseal of Ohio was complete. No errors were found in the unit pricing extended totals and all required bidding documents were completed. The DBE participation goal is proposed to be met.
3. All of the bids were within the financing budgets.

We feel that the bid received from Lynn Sanford Construction, though being the apparent low bid, must be considered as a non-responsive bid due to the concerns listed above. Therefore, we recommend that the City of Morristown award the construction contract to Ameriseal of Ohio, Inc. in the amount of \$309,656.00. This work will include the Alternate Bid item for Thermoplastic Coal Tar Emulsion Treatment described in specification P-629.

We will begin contract preparation and distribution after concurrence from the City of Morristown and TN Aeronautics.

Sincerely,

A handwritten signature in blue ink that reads "Edward A. McHugh". The signature is fluid and cursive, with the first name "Edward" being more prominent.

Edward A. McHugh, P.E.
Project Engineer
Michael Baker International, Inc.

Enclosures: Tabulation of Bids

CC: Mr. Chuck Hoskins – TAD
Mr. Jason Bennett, P.E. - MBI

**MORRISTOWN REGIONAL AIRPORT
RUNWAY REHABILITATION
TAD NO. 32-555-0159-17**

12-Sep-17
SMR

ITEM	SPEC.	DESCRIPTION	UNIT	PLANS QUANTITY	ENGINEER'S ESTIMATE		LYNN SANFORD CONSTRUCTION		AMERISEAL OF OHIO	
					UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL
1	1000	Mobilization	LS	1	\$26,093.90	\$26,093.90	\$2,400.00	\$2,400.00	\$8,000.00	\$8,000.00
2	S-105-4.1	Construction Layout Survey	LS	1	\$5,000.00	\$5,000.00	\$2,600.00	\$2,600.00	\$3,120.00	\$3,120.00
3	S-160-3.1	Sterilization of Pavement Cracks	LS	1	\$5,000.00	\$5,000.00	\$2,400.00	\$2,400.00	\$500.00	\$500.00
4	P-101-5.1	Paint and Rubber Removal	SF	74,000	\$0.65	\$48,100.00	\$0.72	\$53,280.00	\$0.60	\$44,400.00
5	P-607-7.1	Crack Repair	LF	10,000	\$1.50	\$15,000.00	\$0.87	\$8,700.00	\$1.05	\$10,500.00
6	P-608	Asphalt Surface Treatment	SY	69,000	\$3.50	\$241,500.00	\$1.70	\$117,300.00	\$3.25	\$224,250.00
7	P-620	Pavement Markings	SF	55,400	\$1.05	\$58,170.00	\$0.49	\$27,146.00	\$0.59	\$32,686.00
ALT-7	P-629	Thermoplastic Coal Tar Emulsion Surface Treatment	SY	69,000	\$4.05	\$279,450.00	N/A	N/A	\$3.05	\$210,450.00
SUBTOTAL BASE BID						\$398,863.90		\$213,826.00		\$323,456.00
SUBTOTAL BASE BID (ALT-7)						\$436,813.90		N/A		\$309,656.00

**MORRISTOWN REGIONAL AIRPORT
RUNWAY REHABILITATION
TAD NO. 32-555-0159-17**

12-Sep-17
SMR

BID TABULATION

<u>Bidders Documentation</u>	<u>LYNN SANFORD CONSTRUCTION</u>	<u>AMERISEAL OF OHIO</u>
Proposal Completed and Executed	X	X
Addenda 1 Acknowledged	X	X
Bid Schedules Pages 1 through 2	X	X
Proposal Guarantee	N/A	N/A
Proposal Guaranty Bond	?	X
Power of Attorney	X	X
Certificate of Contractor's License	X	X
Attestation Regarding Personnel Used in Contract Performance	X	X
Drug Free Workplace Affidavit	X	X
Form of Noncollusion Affidavit	X	X
Equal Opportunity Report Statement	X	X
Certification Non Segregated	N/A	X
DBE Program	X	X
Letter of Intent (DBE)	X	X
Utilization Statement	X	X
Buy American Certificate		X
Performance of Work by Contractor	X	X
Performance of Work by Subcontractors	N/A	?
Bidder's Questionnaire	X	X
DBE Participation	100.00%	12.42%

[illegible][illegible]

\$38,446.00

\$323,456.00

11.89%

\$309,656.00

12.42%



Morristown City Council Agenda Item Summary

Date: September 14, 2017

Agenda Item: Approval of Bid - Desktop Computer Bid

Prepared by: Joey Barnard, Finance Director

Subject: Desktop Computer Bid

Background/History: Certain City employees utilize a desktop computer rather than a laptop to perform tasks essential to their jobs. The City of Morristown ensures that the number of machines (desktop/laptop) are assigned according to the employees essential duties and minimizes the number of employees that rely on a both a desktop and a laptop. It occasionally becomes necessary to update outdated or inefficient machines.

Findings/Current Activity: The bid was advertised in the *Citizen Tribune* on August 29, 2017 and on August 31, 2017 and in the Knoxville News Sentinel on August 29, 2017. Additionally, the bid was posted to the City of Morristown's website and through Vendor Registry, an on-line bid facilitation website. The submission deadline was Thursday, September 14, 2017 at 1:00 P. M.

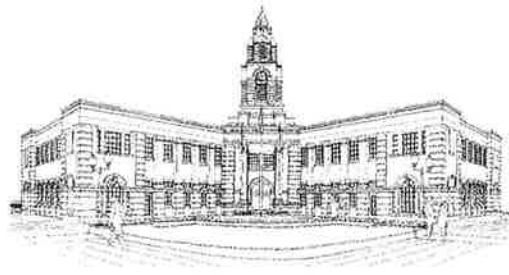
Financial Impact: In the 17-18 budget, \$15,000 is appropriated for the replacement of antiquated or unrepairable computers. The goal is to replace computers each year in order to keep funding level and to avoid unanticipated expenditures. This bid allows the City of Morristown to obtain the maximum number of machines at competitive pricing. These machines meet the specifications recommended by IT staff.

Action options/Recommendations: It is staffs' recommendation to accept the best and lowest bid submitted by CDW Government LLC. It should be noted that two bids are lower. One bid has a quantity associated with the unit price. The other bid is \$13.77 less per unit, but it is IT's recommendation to go with the Dell machine.

Attachments: Copy of the Bid Tabulation

City of Morristown
Desktop Computer Bid Tabulation
Thursday, September 14, 2017 1:00 PM

Bidder	Make and Model	Unit Price
SHI International Corp.	Dell OptiPlex 5050	\$896.73
CDW Government LLC	Dell OptiPlex 5040	\$783.94
Y&S Technologies	Lenovo M710S	\$770.77
PCMG, Inc	HP Prodesk 600	\$782.00



Morristown City Council Agenda Item Summary

Date: September 14, 2017

Agenda Item: Approval of Bid - Laptop Computer Bid

Prepared by: Joey Barnard, Finance Director

Subject: Laptop Computer Bid

Background/History: It has become increasingly necessary to convert to laptop computers to reduce the amount of users relying on both desktop and laptop machines. Integrating laptops will give City employees the opportunity to be more efficient and productive.

Findings/Current Activity: The bid was advertised in the *Citizen Tribune* on August 29, 2017 and on August 31, 2017 and in the Knoxville News Sentinel on August 29, 2017. Additionally, the bid was posted to the City of Morristown's website and through Vendor Registry, an on-line bid facilitation website. The submission deadline was Thursday, September 14, 2017 at 2:00 P. M.

Financial Impact: In the 17-18 budget, \$15,000 is appropriated for the replacement of antiquated or unrepairable computers. The goal is to replace computers each year in order to keep funding level and to avoid unanticipated expenditures. This bid allows the City of Morristown to obtain the maximum number of machines at competitive pricing. These machines meet the specifications recommended by IT staff. Converting to laptop computers will reduce the number of employees relying on both a desktop and laptop machine and in turn save taxpayer dollars.

Action options/Recommendations: It is staffs' recommendation to accept the best and lowest bid submitted by SHI International Corp. It should be noted the bid submitted by PCMG include the statement, "price is quoted as quantities of 5". Since the City of Morristown does not generally order in quantities of five, the bid submitted by SHI International is considered to be the best and lowest.

Attachments: Copy of the Bid Tabulation

City of Morristown
Laptop Computer Bid Tabulation
Thursday, September 14, 2017 2:00 PM

Bidder	Make and Model	Unit Price	
PCMG, Inc.	HP2book	\$1,155.00	***
SHI International Corp.	Dell Latitude 5480	\$1,225.90	
CDW Government LLC	Dell Latitude 5480	\$1,367.26	
Y&S Technologies	Lenovo PS 20 ENoo16US	\$1,532.00	
Howard Technologies	Lenovo Thinkpad T470	\$1,508.00	

*** - The bid submitted was based on quantities of 5

**CITY OF MORRISTOWN**

PURCHASING DIRECTOR

P.O. Box 1499

Morristown, TN 37815-0647

Phone: (423) 585-4622 Fax: (423) 585-4687

Purchase Order

Fiscal Year 2018

Page 1

THIS NUMBER MUST APPEAR ON ALL INVOICES,
PACKAGES AND SHIPPING PAPERS.Purchase
Order #**18000674-00***Retain this purchase order for proof of tax exemption.***Tax Exempt #62-6000369****V
e
n
d
o
r**LAMAR DUNN & ASSOCIATES INC
110 TYSON BLVD

ALCOA, TN 37701

**S
h
i
p
t
o**CITY OF MORRISTOWN
100 W. 1ST NORTH STREET

MORRISTOWN, TN

37814

Vendor Phone Number 000-000-0000		Vendor Fax Number 000-000-0000		Requisition Number 18000742		Delivery Reference/Contact ASHLEY AHL			
Date Ordered 09/27/17		Vendor Number 006373		Date Required		Interoffice Delivery		Department/Location MOWING	
Item#	Description/Part No.				Qty/Unit	Cost Each	Extended Price		
001	ORIGINAL				1.00	40000.00000	40,000.00		
	GENERAL SERVICES				EACH				
	43292-399				40,000.00				
						PO Total	40,000.00		

The City of Morristown is an equal
employment / affirmative action
employer EOE / AA_____
Authorized Signature_____
Date**VENDOR COPY**_____
Authorized Signature_____
Date[Return to Agenda](#)

Inspection and Maintenance Agreement

(I&M Agreement)

City of Morristown, TN

100 West 1st North Street

Morristown, TN 37814

(423) 581-0100

Inspection and Maintenance Agreement (I&M Agreement)

THIS AGREEMENT, made and entered into this 26 day of September, 2017, by and between T. Phillip Carlyle hereinafter called the "Landowner", and
(Insert Full Name of Owner)
the City of Morristown, TN hereinafter called "City".

WITNESSETH, that

WHEREAS, the Landowner is the owner of certain property described as Parke Villas (KS)
Villas West - 412 N. Bellwood Rd.
Map 040, Parcel 39.01 Map 40D D002.01 (KS) as recorded by deed in the last land records of
(Insert Hamblen County Tax & Parcel Number)
Hamblen County, TN, Deed Book 1657 Page 651 (KS), hereafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site Plan/Subdivision known as Villas West - PUD Parke Villas (KS)
(Name of Plan/Development)

hereafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for management of stormwater within the confines of the property; and

WHEREAS, the City and the Landowner, its successors and assigns, agree that the health, safety and welfare of the residents of the City of Morristown, Tennessee, require that on-site stormwater management/BMP facilities be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site stormwater management/BMP facilities, as shown on the Plan, be constructed and adequately maintained by the Landowner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management/BMP facilities shall be constructed by the Landowner, its successors, and assigns, in accordance with the plans and specifications identified in the Plan and shall, upon construction completion, be certified as such by the Plan's Engineer of Record.
2. The Landowner, its successors, and assigns, shall adequately maintain the stormwater management/BMP facilities as outlined in the Plan and contained within the Landowner's property. This includes all pipes and channels built to convey stormwater to and from the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition, so that these facilities

are performing their design functions. Those maintenance procedures outlined in the Plan and the City's approved BMP guidelines shall be practiced at a minimum. Common maintenance shall include the removal of debris (leaves, lawn clippings, sticks, etc.) and trash after rainfall events, checking outlet structures for clogging and cleaning, as necessary, repairing erosive areas promptly upon observation, and removing accumulated sediment.

3. The Landowner, its successors, and assigns, shall inspect the stormwater management/BMP facility and report to the City Engineer if any major repairs (i.e. structural) are necessary. The purpose of the inspection and reporting is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc and shall be performed at such times and such manner as to accomplish these objectives.
4. The Landowner, its successors, and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans or in the City's BMP guidelines, the Landowner, its successors, and assigns, shall adhere to the schedule.
5. The Landowner, its successors, and assigns, hereby grant an easement to the City, its authorized agents, and employees, to enter upon the Property and to inspect the stormwater management/BMP facilities whenever the City deems necessary. The purpose of inspection may be to check the facility for proper functioning, to follow-up on reported deficiencies or repairs, to respond to citizen complaints, and/or to check for any other reasons the City deems necessary. If problems are observed, the City shall provide the Landowner, its successors, and assigns, copies of the inspection findings and a directive to commence with the repairs within a specified timeframe.
6. In the event the Landowner, its successors, and assigns, fails to maintain the stormwater management/BMP facilities in good working condition acceptable to the City, the City may enter upon the Property and take the steps necessary to correct deficiencies identified in the inspection report. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner, outside of the easement, for the stormwater management/BMP facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.
7. In the event the City, pursuant to this Agreement, performs work of any nature or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors, and assigns, shall reimburse the City upon demand, within sixty (60) days of receipt thereof, for two hundred percent (200%) of all actual costs incurred by the City hereunder.
8. If the Landowner fails to pay the City for two hundred percent (200%) of their incurred expenses within sixty (60) days of receipt of written notice, the Landowner authorizes the City to place a lien against the property in an amount equal to two hundred percent (200%) of said expenses.
9. If the Landowner fails to reimburse the City, as described above, the Landowner further authorizes the City to collect said expenses from the Landowner through other appropriate legal action, with the Landowner to be liable for the reasonable costs of collection, court costs, and attorney fees.

10. This Agreement imposes no liability of any kind whatsoever on the City, and the Landowner agrees to hold the City harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.
11. This Agreement shall be recorded among the land records of Hamblen County, Tennessee, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interest.

WITNESS the following signatures and seals:

Corkyle Construction, LLC
Company/Corporation/Partnership Name (Seal)

By: x 

T. Phillip Carlyle

(Type Name)

Owner

(Type Title)

State of Tennessee

County of Hamblen

The foregoing Agreement was acknowledged before me this 26 day of September 20 17.

by Mary K. Smithpeters
Mary Katherine Smithpeters
Notary Public

My Commission Expires 10/21/19



Approved as to form:

Approved by the City:

City Attorney

Date

Mayor

Date



From the Desk of

Debbie Stamey

Deputy Clerk/Executive Assistant

(423) 585-4603

e-mail dstamey@mymorristown.com

TO: Mayor and City Council

RE: APPOINTMENT OR RE-APPOINTMENT OF BOARD/COMMISSION
MEMBER

DATE: September 29, 2017

The following Board/Commission Member's term will expire on October 17, 2017. This is a City Council appointment or re-appointment to the Morristown/Hamblen County Solid Waste Disposal System for a three (3) year term to expire on October 17, 2020, scheduled for the October 3, 2017 City Council meeting; term expiring: John Hofer.

Mr. Hofer has been contacted by staff and has expressed a willingness to continue serving on this board.



From the Desk of

Debbie Stamey

Deputy Clerk/Executive Assistant

(423) 585-4603

e-mail dstamey@mymorristown.com

TO: Mayor and City Council

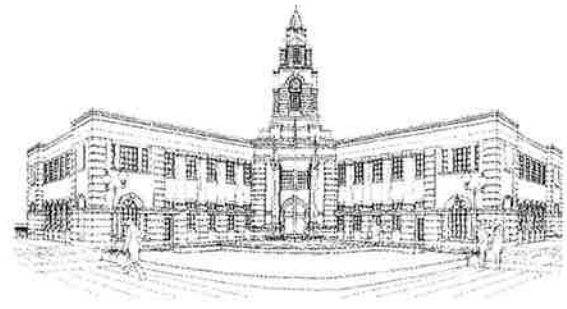
RE: APPOINTMENT OR RE-APPOINTMENT OF BOARD/COMMISSION
MEMBER

DATE: September 29, 2017

The following Board/Commission Member's term will expire on October 17, 2017. This is a Council confirmation of a nomination made by the City Administrator to the Morristown/Hamblen County Solid Waste Disposal System, from among the Mayor and City Council, for a three (3) year term to expire on October 17, 2020, scheduled for the October 3, 2017 City Council meeting; term expiring: Bob Garrett.

Morristown Police Department

ROGER OVERHOLT
Chief of Police



MEMORANDUM

To: Mayor Gary Chesney
City Council

From: Chief ^{RDO}Roger D. Overholt

Date: September 28, 2017

Re: Entry Level Patrol Officer

I am requesting to hire three entry level patrol officers at the October 3rd council meeting. Attached is the current civil service roster of eligible candidates. For three positions, we may consider any of the top seven candidates. These positions are to backfill current vacancies. Employment will be contingent upon successful completion of all pre-employment qualifications.

Thank you.

RDO/II

CIVIL SERVICE BOARD

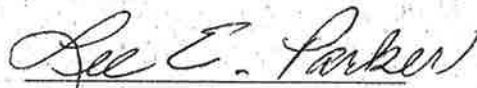
P.O. Box 1499 • MORRISTOWN, TN 37816

POLICE DEPARTMENT ENTRY LEVEL ROSTER

Revised on September 12, 2017 to Reflect Recent Testing, **Hiring** and /or Corrections

	RANK AND NAME	EXPIRES
1	Scotty Cauthern	Jun-18
2	Nick Cline	Jun-18
3	Charles Collins	Jun-18
4	Chad Hughes	Jun-18
5	Austin Miller	Jun-18
6	Shelby Holt	Jun-18
7	Spencer Cope	Jun-18
8	Roger Kanipe	Jun-18
9	Stephanie Kirk	Jun-18

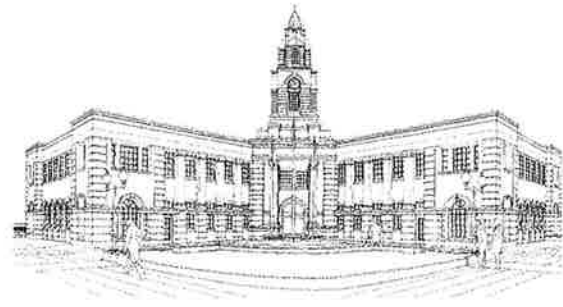
For the Civil Service Board


Lee Parker, Chairman

9-12-2017
Date

Morristown Police Department

ROGER OVERHOLT
Chief of Police



MEMORANDUM

To: Mayor Gary Chesney
City Council

From: Chief Roger ^{RDO}D. Overholt

Date: September 28, 2017

Re: Retirement of K9 Diego

I am requesting to retire K-9 Diego due to age and health condition. The animal is currently 10 years old and can no longer be utilized for patrol duties. This K-9 has already been replaced.

K-9 handler Captain Dan Cliff has requested that the animal be transferred to him. This has historically been done with our K-9s after retirement.

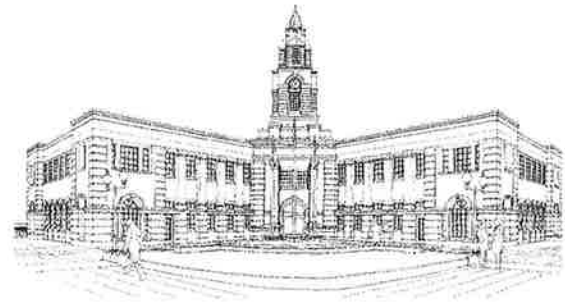
Diego is a Dutch Shepard and has served the Morristown Police Department for the past 8 years. He was trained in explosive ordnance detection and felony suspect apprehension. Capt. Cliff and K9 Diego have been credited with the locating and apprehending several felony suspects. The unit has conducted numerous searches for explosive materials within the city of Morristown and several surrounding jurisdictions.

Thank you.

RDO/ll

Morristown Police Department

ROGER OVERHOLT
Chief of Police



MEMORANDUM

To: Mayor Gary Chesney
City Council

From: Chief Roger ^{RDO} Overholt

Date: September 28, 2017

Re: Employee Disciplinary Action

I am requesting confirmation of the disciplinary action of a police officer. I am making this request based upon the recommendation of the officer's supervisors as part of the progressive discipline process. The officer would receive 40 hours suspension. If you would like additional details concerning this action, please contact me at 423-312-0312.

Please see the attached communication and warning record.

Thank you.

RDO/ll