

## OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

October 8, 2012—7:00 p.m.

### AGENDA

#### I. INVOCATION

The Reverend Anthony Collins from the House of Worship

#### II. PLEDGE OF ALLEGIANCE

#### III. ROLL CALL

#### IV. APPEARANCE OF CITIZENS

#### V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

#### VI. SPECIAL REPORTS

Special Report to Council on Environmental Protection Agency (EPA) Administrative Order (AO)

#### VII. CONSENT AGENDA

- a. Approval of the September 10, 2012 City Council meeting minutes.
- b. Adoption of a resolution reappointing Dr. Pete Craven to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority for a three-year term of office ending on October 9, 2015.
- c. Adoption of a resolution to extend the employee medical insurance contract between the City of Oak Ridge and the State of Tennessee Local Government Health Insurance Program for the period of January 1, 2013 through December 31, 2013 at an estimated cost of \$4,300,000.00.
- d. Adoption of a resolution to accept a grant from the State of Tennessee, Department of Transportation, Governor's Highway Safety Office, in the amount of \$24,610.40 to be used for authorized traffic enforcement and/or training purposes.
- e. Adoption of a resolution awarding a contract (COR 12-16-E5) to Hurst Excavating, LLC, Knoxville, Tennessee, and a contract (COR 12-17-E6) to A & M Contractors, Inc., Tullahoma, Tennessee, for the rehabilitation of portions of the wastewater collection and transportation system as required for compliance with the U.S. Environmental Protection Agency Administrative Order, said contracts in the estimated amount of \$946,352.50 and \$709,265.00, respectively.
- f. Adoption of a resolution to amend Resolution 12-117-11 to add an additional regular City Council meeting – October 22, 2012 – to the City Council meeting schedule.

#### VIII. RESOLUTIONS

- a. Adoption of a resolution approving two accesses to South Illinois Avenue from Anderson County Tax Map 100p, Group F, Parcel 41.00, subject to approval by the Tennessee Department of Transportation.

**IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

**Public Hearing and First Reading**

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-1-C MDO, ONE-FAMILY RESIDENTIAL MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; PARCELS 13 AND 15 AND A PORTION OF PARCEL 14, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 58-59, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM O-2, OFFICE, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND PARCELS 53-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-2 MDO, LOW DENSITY RESIDENTIAL MANHATTAN DISTRICT OVERLAY TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.  
(The public hearing on the PUD Preliminary Master Plan will occur on October 22, 2012)

**First Reading**

- b. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "BUILDING CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "BUILDING CODE," TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- c. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 11, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 11, TITLED "RESIDENTIAL CODE," TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- d. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 10, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 10, TITLED "MECHANICAL CODE," TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- e. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 3, TITLED "TRADE LICENSING BOARD," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," AND SUBSTITUTING THEREFOR A NEW SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," TO DESIGNATE TWO MEMBERS AS MECHANICAL LICENSE HOLDERS AND STAGGERING THE TERMS OF THOSE TWO MEMBERS.
- f. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE,

TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; AND BY DELETING TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC." IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "ALCOHOL," ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."

- g. AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESSES, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," AND SUBSTITUTING THEREFOR A NEW CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," IN ORDER TO UPDATE THE PROVISIONS.

X. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 41.00, MAP 100P, GROUP F, (FORMERLY LOT 19, BLOCK 21-CB) FROM O-2/PUD, OFFICE PLANNED UNIT DEVELOPMENT TO UB-2, UNIFIED GENERAL BUSINESS.
- b. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- c. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ORDER TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE.
- d. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 7, TITLED "PLUMBING CODE - GENERALLY," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," AND BY DELETING SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE – AMENDMENTS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE – AMENDMENTS," IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- e. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY RENUMBERING CHAPTER 12, TITLED "CITATIONS AND ORDINANCE SUMMONSES," TO BE CHAPTER 16 WITH THE TITLE REMAINING THE SAME; BY

DESIGNATING CHAPTERS 13, 14, AND 15 AS "RESERVED FOR FUTURE USE"; AND BY CREATING A NEW CHAPTER 12, TITLED "INTERNATIONAL ENERGY CONSERVATION CODE," TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS REQUIRED BY THE STATE OF TENNESSEE.

- f. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 1, TITLED "BUILDING ACCESSIBILITY BY PHYSICALLY DISABLED PERSONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," AND SUBSTITUTING THEREFOR A NEW SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," IN ORDER TO ADOPT THE ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC A117.1-2009 CODE.
- g. AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," CHAPTER 7, TITLED "ADULT ENTERTAINMENT ESTABLISHMENTS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 9-703, TITLED "LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS," TO ADD ADDITIONAL LOCATION RESTRICTIONS, INCREASE THE DISTANCE PROVISION FOR RESIDENTIAL AREAS, AND ALTER THE DISTANCE MEASUREMENT METHOD FOR COMPLIANCE WITH TENNESSEE CODE ANNOTATED §7-51-1407.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

- i. Establishment of the City Judge Salary Review Committee
- ii. 2012 Election Notice

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. CITY MANAGER'S REPORT

b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

# **SPECIAL REPORTS**

CITY COUNCIL MEMORANDUM  
12-30

DATE: October 2, 2012  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: SPECIAL REPORT TO COUNCIL ON EPA ADMINISTRATIVE ORDER

In late August 2012, the City of Oak Ridge submitted a *Wastewater Collection System Remediation Plan Report* to the U. S. Environmental Protection Agency (EPA). This was provided as a response by the City to the EPA as required by an Administrative Order filed on September 30, 2010. The City must develop and implement an action plan to address deficiencies in our sewer system and eliminate storm water overflows.

In an effort to keep the members of the community updated in our progress, besides normal reporting to the City Council, the attached report is provided as an initial effort to furnish information in a concise format to the general public. The City Manager or the Public Works Director can elaborate on the content of this document.

  
\_\_\_\_\_  
Mark S. Watson

Attachment



**SUMMARY OF EPA ADMINISTRATIVE ORDER**

During the previous twenty years, the City of Oak Ridge has methodically worked to replace the aged sewer pipes, spending an estimated \$1,000,000 per year. Unfortunately, storm water (rain water) continues to leak into the aging sewer lines, manholes and private sewer laterals, exceeding the capacity of the system, resulting in sewer overflows. The EPA has ordered the City to fix the aged sewer system and stop all overflows in a short timeframe. For more information concerning the EPA Administrative Order, please refer to the City of Oak Ridge website, [www.oakridgetn.gov](http://www.oakridgetn.gov), right side of main page under **I Want to...Learn about the City's EPA Reports and Remediation**.

**EPA Administrative Order – What is It?**

1. It is a formal document mandating the City to eliminate sanitary sewer overflows (SSOs) in the sewer system in a stated period of time.
2. The City's Order allows five (5) years for compliance. The Order was received September 30, 2010 with a completion date of September 2015.
3. To assist the public and all of City Council, a committee consisting of Chuck Hope and Ellen Smith meet to receive updates and information pertaining to the Order.
4. The Order requires the City to complete and submit to the EPA several studies and reports to determine the magnitude of the sewer system problems and document the progress being made to remediate the problems. Instead of hiring multiple engineering professionals on City staff for a short term, the City is utilizing a Program Management Consultant, Lamar Dunn & Associates, Inc. (LD&A) to assist the current staff with the requirements of the Order including the preparation and submittal of the following required studies and reports:

Quarterly Progress Reports – details the progress of City work activities during three month periods, submitted by the 30<sup>th</sup> day of the month following the end of each quarter

Sewer Overflow Response Plan – details how the City inspects and reports sewer overflows caused by backed-up sewer lines and rain infiltration into the sewer system

Capacity Assessment – determines the magnitude of sewer flows the system could transport without overflows occurring

Geographic Information System (GIS) – required to complete the Capacity Assessment to document the size, location and slope of each sewer line in the system and the location and elevation of each manhole

Sewer System Evaluation Survey (SSES) – determines the condition of the sewer system, by inspecting each city-owned sewer line using smoke testing, cleaning and closed circuit television (CCTV) and opening and looking inside each manhole

Remediation Plan – utilizes the information from the Capacity Assessment and the SSES to explore methods for corrective action within the city-owned system so that the anticipated sewer flow would not cause overflows; includes a listing of seventeen (17) sewer line rehabilitation projects and the construction of three (3) equalization basins, totaling an estimated cost of \$23,090,800

**Milestones of the EPA Administrative Order requirements include:**

(as of 10/1/2012, all deadlines have been met in accordance with the written Order, listing does not include the seven quarterly reports that have been submitted to date)

September 30, 2010	Beginning Date of Order
October 2010	Consultant Approved for Assistance with Compliance with Order (LD&A)
February 2011	Sewer Overflow Response Plan (SORP) Submitted
July 2011	Consultant Approved for Program Management (LD&A)

**Milestones of the EPA Administrative Order requirements, continued:**

July 2011	Five Engineering Firms Approved for Design Services
September 2011	Emory Valley Sewer Shed Projects Approved, Estimated Cost \$2,069,335
January 2012	Management-Operations-Maintenance Program (MOM) Submitted
March 2012	Engineering Work Authorizations Issued
April 2012	Capacity Assessment Complete and Submitted
April 2012	Pump Station Maintenance and Operations Submitted
May 2012	First Sewer Rate Increase Implemented
June 2012	SSES Complete and Submitted
June 2012	Engineering Work on Five Projects Completed
August 2012	Five Designed Projects Approved by TDEC
September 2012	Remediation Plan Submitted
September 2012	City Council Approval of \$5,000,000 TMBF Loan Providing Funding
October 2012	Two East Plant Sewer Projects Recommended to City Council for Approval

**Next Steps for Compliance with the EPA Administrative Order:**

1. Complete the SRF Loan process and secure \$18,000,000 in funding to assist in paying for the required rehabilitation of the sewer system
2. January 1, 2013, second sewer rate increase is scheduled to be implemented
3. Continue to evaluate and adjust utility rates accordingly to meet financial needs and plans and to ensure loan payments can be met  
NOTE: A requirement of the SRF Loan funding is that TDEC evaluate the rate structure so that funds are available to pay the loan
4. Continue to evaluate the process and progress of meeting the Order requirements with assistance from the City Council committee consisting of Chuck Hope and Ellen Smith, city staff and the Program Management Consultant, LD&A
5. Design, bid and award construction projects according to the Remediation Plan (see schedule below)
6. Continue to follow and document the requirements of the MOM Program, Pump Station Maintenance and Operation Program and SORP

**Remediation Plan Schedule:**

The EPA Administrative Order does not include the far west end of Oak Ridge (Horizon Center, Heritage Center or Rarity Ridge). To segment the sewer system, the City of Oak Ridge (except for the previous stated exclusion) is divided into six (6) sewer sheds. Within the sewer sheds are eighty-eight (88) mini-systems. The division of the sewer sheds and mini-systems assists the Public Works staff and consultants to identify the specific locations of sewer problems and how they will affect the overall sewer system. A map of the sewer sheds is on the City's website at [www.oakridgetn.gov](http://www.oakridgetn.gov), right side of main page under **I Want to...Learn about the City's EPA Reports and Remediation.**

- Emory Valley Sewer Shed – 2 Projects nearing completion at 10/2012  
These projects were being designed prior to receiving the EPA Administrative Order under the City's former sewer rehabilitation program.
- East Plant Sewer Shed – 10 Projects beginning 11/2012, ending 9/2014, estimated cost \$10,621,200
- Y-12 Sewer Shed – 2 Projects beginning 2/2014, ending 11/2014, estimated cost \$744,700
- Central City Sewer Shed – 2 Projects beginning 8/2014, ending 5/2015, estimated cost \$2,165,900
- Turtle Park Sewer Shed – 2 Projects beginning 1/2015, ending 9/2015, estimated cost \$2,699,400
- West End Sewer Shed – 1 Project beginning 1/2014, ending 8/2015, estimated cost \$744,700
- Equalization Basins – 1 Project beginning 1/2014, ending 8/2015, estimated cost \$6,114,900  
The Remediation Plan recommends the construction of three (3) equalization basins which are holding tanks for the sewer system. The equalization basins will be constructed in strategic locations where flow within the system is projected to remain high after wet weather, even after the sewer line rehabilitation is completed. The cost and time for construction is somewhat dependent on available land for the basins in the optimal locations.

# CONSENT AGENDA

## **MINUTES OF THE OAK RIDGE CITY COUNCIL**

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on September 10, 2012 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

### INVOCATION

The Invocation was delivered by the Reverend Joe Westfall, West Village Christian Church.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Mr. Lloyd Stokes, member of the Oak Ridge Heritage and Preservation Association (ORHPA).

### ROLL CALL

Upon roll call, the following councilmembers were present: Mayor Thomas L. Beehan; Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; Councilmember David N. Mosby; and Councilmember Ellen D. Smith.

Also present were Mark S. Watson, City Manager; Janice E. McGinnis, Finance Director; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

### APPEARANCE OF CITIZENS

Mr. Andy Marathe, 121 Westlook Circle, expressed his support to allow a restaurant, Homeland Café, to "brown bag" wine into the establishment. Mr. Marathe asked that City Council to consider a modification to the existing ordinance that addresses "brown bagging."

The City Manager, at the request of the Mayor, explained that the situation of the restaurant in question is that the restaurant cannot have a beer license and allow patrons to bring in wine and liquor per the guidelines set forth in the City ordinance. Mr. Watson mentioned further discussion would take place with City Council at a future work session.

Ms. Joy Henderson, 103 Paris Lane, inquired about the opening date for the Quincy replacement road and whether it would coincide with the installation of the new traffic light.

Mr. Martin McBride, 954 West Outer Drive, presented two (2) financial questions regarding the Environmental Protection Agency (EPA) Administrative Order: (1) what is the total cost of implementing the Order, and (2) if the 23 million dollar cost listed on the City's Wastewater Collection System Remediation Plan is included as part of the approximate 30 million dollar cost as indicated by Mr. McBride.

Mr. Pedro Otaduy, 111 Westoverlook Drive, raised several questions and concerns regarding the City's current ordinance that addresses "brown bagging," and requested that City Council reexamine said ordinance.

Mr. John Iacovino, 120 Westlook Circle, expressed his frustrations with the terminology and definitions of "brown bagging," wine, and liquor, and the common practice of placing the beverages in similar categories.

Ms. Sharon Crane, 107 Wakefield Road, expressed that she is interested in the installation of a street light.

### Amendment to the agenda

Mayor Beehan requested that City Council consider an amendment to the agenda to add another

presentation by Mr. Gerry Palau, Chair of the Recreation and Parks Advisory Board, under “Special Reports” to provide information to the public about the structure, purpose, and achievements of their boards to generate interest in the end of year elections.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller, and carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

### **PROCLAMATIONS AND PUBLIC RECOGNITIONS**

*Public swearing-in of Councilman Charles J. Hope, Jr.*

Councilmember Hope took his public Oath of Office for the Office of the Oak Ridge City Council Member.

*Proclamation in celebration of Oak Ridge’s 70<sup>th</sup> Birthday.*

Councilmember Smith moved, seconded by Councilmember Hensley that the proclamation be adopted. The motion was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

The proclamation was presented to and accepted by Mr. Bill Wilcox, City of Oak Ridge Historian.

*Public recognition of Public Works employees for their work on the renovation of the bathrooms at the Municipal Building.*

The City Manager recognized the following Public Works Department employees for their work on the renovation of bathroom in the Oak Ridge Municipal Building to make the facilities accessible and ADA compliant: Mike Brooks, Facilities Maintenance Specialist; Sam Lands, Maintenance Worker; Debbie Palmer, Facilities Maintenance Specialist; and Ray Crawhorn, Facilities Maintenance Specialist, along with Pat Fallon, Public Works Operations and Maintenance Manager.

The City Manager also noted recognition that was received from Capital Mark Bank and Trust in Jackson Square for the Public Works Department for their work on the drainage system and sidewalk resurfacing performed as part of the renovation of the bank.

### **SPECIAL REPORTS**

*Presentation to City Council from three (3) City Boards and Commissions Representatives to provide information to the public about the structure, purpose, and achievements of their boards to generate interest in the end of year elections.*

The following chairs provided an overview of their boards’ processes, structures, work plans, accomplishments, as well as past and future projects:

Mr. Wayne Garber, Chair of the Trade Licensing Board  
Mr. William Biloski, Chair of the Industrial Development Board  
Mr. Gerry Palau, Chair of the Recreation and Parks Advisory Board

The reports were for informational purposes; no action taken.

### **CONSENT AGENDA**

Councilmember Hensley moved, seconded by Councilmember Smith that the Consent Agenda be approved. The motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye,” thereby:

Approving the August 13, 2012 City Council meeting minutes.

**Adopting Resolution No. 9-65-2012 acknowledging the City's submission of the Wastewater Collection System Remediation Plan to the U.S. Environmental Protection Agency (EPA) in accordance with the requirements of the Administrative Order.**

**Adopting Resolution No. 9-66-2012 to amend Resolution 12-117-11 to reschedule the November 2012 regular City Council meeting to November 5, 2012.**

**Adopting Resolution No. 9-67-2012 authorizing the City to enter into an agreement with the Tennessee Valley Authority (TVA) to participate in the Green Power Providers (GPP) Program.**

Given the earlier inquiries presented during "Appearance of Citizens," the City Manager explained that the 23 million dollars listed in the Wastewater Collection System Remediation Plan will be a part of the total overall cost of sewer system repairs.

## **RESOLUTIONS**

### **Resolution No. 9-68-2012**

**Adoption of a resolution awarding a contract to First Place Finish, Inc., Oak Ridge, Tennessee, for the restoration of bunkers at Centennial Golf Course in the estimated amount of \$128,442.22.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley that the resolution be adopted.

The City Manager noted that the approved FY2013 budget included golf course maintenance, and that the golf course has went years without significant improvements or major renovations.

Recreation and Parks Director Josh Collins responded to several questions of City Council while noting the dire need of repair, contractor experience and expertise, and cost benefit of completing all bunkers as one project.

The City Manager clarified the funding for this contract was generated by user fees of the golf course.

Ms. Trina Baughn, 119 Newport Drive, questioned whether the contract work would solve the drainage issues of the bunkers while expressing other concerns regarding the course's costs.

The resolution was approved by board vote with Councilmembers Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Garcia Garland voting "Nay."

### **Resolution No. 9-69-2012**

**Adoption of a resolution to extend through December 31, 2012 the water services agreement between the City and the United States Department of Energy (DOE) approved by Resolution 4-47-98 and extended by Resolutions 10-98-10, 6-46-11 and 5-34-2012.**

Councilmember Garcia Garland moved, seconded by Councilmember Smith that the resolution be adopted.

The City Manager noted that staff is planning to reevaluate the City's role and rates regarding water services provide to the DOE.

The resolution was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**Resolution No. 9-70-2012**

**Adoption of a resolution approving the execution of a Cooperation Agreement between Dogwood Manor Apartments, Inc. and the City to set out the responsibility of in-lieu of-tax payments (PILOT).**

Councilmember Smith moved, seconded by Councilmember Hope that the resolution be adopted.

Ms. Anne Dunthorn, Housing Consultant, provided an overview of the Dogwood Manor Apartments PILOT Agreement and responded to questions of City Council.

The resolution was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

Amendment to the Agenda

Mayor Beehan suggested that the agenda be amended to consider the rezoning ordinance under Public Hearing and First Reading of an Ordinance; no dissension was expressed by councilmembers.

(Diverting from the original order of the agenda)

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading

**AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 41.00, MAP 100P, GROUP F, (FORMERLY LOT 19, BLOCK 21-CB) FROM O-2/PUD, OFFICE PLANNED UNIT DEVELOPMENT TO UB-2, UNIFIED GENERAL BUSINESS.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the ordinance be approved on first reading.

Community Development Director Kathryn Baldwin provided a brief overview of the rezoning and announced that the rezoning would be for development of a Weigel’s Convenience Store.

Mr. Chris Ooten, Director of Real Estate for Weigel Stores in Knoxville, P.O. 650, Powell, TN 37849 commented that Weigel’s is fully committed to the project, residents, and addressing any concerns with traffic. Mr. Ooten commented that the project design would be similar to the new stores on Lovell Road and Hardin Valley Road in Knoxville.

City Engineer Steve Byrd noted that a traffic impact study would be forthcoming to p.m. traffic, number of trips in-and-out of the establishment, and left turns in-and-out.

A public hearing was held with the following participants:

Ms. Joy Henderson, 103 Paris Lane, presented several inquiries that included the address listed on the legal notice for the rezoning; communication with TNBank; development of the site; consideration of other locations, such as Union Valley; and traffic. In response, Ms. Baldwin clarified that the lots on Potomac Circle, in anticipation of rezoning, were combined by subdivision and there is now only one legal lot on record. Additionally, she explained that the easements and regulations that exist with regards to Union Valley would render the property unusable for the purpose of a Weigel’s Convenience Store. Mr. Ooten commented that his company had not yet met with TNBank.

Mr. Ooten continued to respond to questions and comments of City Council.

Councilmember Hope, Hensley, Mayor Pro Tem Miller, and Mayor Beehan called for the question.

The ordinance was approved on first reading by board vote with Councilmember Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye,” and Councilmember Smith voting “Nay.” Councilmember Smith requested that, for the record, her “Nay” vote be recorded in opposition of the process of the call for the question.

(Reverting back to the original order of the agenda)

**Resolution 9-71-2012**

**Adoption of a resolution authorizing the City Manager to submit a letter to the Tennessee Department of Transportation releasing the Enhancement Grant Funds for the construction of the Southern Appalachian Railway Museum.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted.

Mr. Richard Iliff, 319 Woodland Hills Road, Clinton, Tennessee, SARM volunteer and Vice President of the SARM Board, explained that the property offered by CROET included a reduced footprint and a cost of approximately \$900,000.00 which would require less fundraising.

The City Attorney clarified that the November 1, 2012 deadline presented was expressed by the State Enhancement Coordinator.

Councilmember Smith proposed an amendment to the resolution to add the SARM organization as consulting entity along with CROET, which was seconded by Councilmember Garcia Garland. Following discussions and comments by City Council, the amendment was approved by board vote with Councilmember Garcia Garland, Hensley, Hope, Mosby, and Smith voting “Aye,” and Mayor Pro Tem Miller and Mayor Beehan voting “Nay.”

Following additional discussions, the resolution, as amended, was approved by board vote with Councilmembers Hensley, Hope, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye,” and Councilmember Garcia Garland and Mosby voting “Nay.”

**Resolution No. 9-72-2012**

**Adoption of a resolution awarding a contract (COR 12-28) to B & A Construction Co., Inc., Caryville, Tennessee, for the demolition of two city-owned residential structures, said contract in the estimated amount of \$28,200.00.**

Mayor Pro Tem Miller moved, seconded by Councilmember Smith that the resolution be adopted.

Community Development Specialist Matt Widner responded to questions presented by City Council regarding use of the Community Development Block Grant funds, purchasing of the two city-owned residential structures, and the specialized demolishing process. Community Development Director Kathryn Baldwin provided additional information regarding the use of city funds to address blighted houses.

The resolution was unanimously approved by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

**Resolution No. 9-73-2012**

**Adoption of an initial resolution authorizing the incurrence of indebtedness by the City of Oak Ridge, Tennessee, of not to exceed \$5,000,000, by the execution with the public building authority of the City of Clarksville, Tennessee, of a loan agreement to provide funding for certain public works projects, and to fund the incidental and necessary expenses related thereto.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley that the resolution be adopted.

The City Manager explained that the issuance of the loan will allow the City to move forward with water and wastewater bid ready projects.

Finance Director Janice McGinnis briefly reviewed the positive points of the loan agreement and responded to questions from City Council.

The resolution was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**Resolution No. 9-74-2012**

**Adoption of a resolution authorizing a loan pursuant to a loan agreement between the City of Oak Ridge, Tennessee, and the public building authority of the City of Clarksville, Tennessee, in the principal amount of not to exceed \$5,000,000; authorizing the execution and delivery of such loan agreement and other documents relating to said loan; approving the issuance of a bond by such public building authority; providing for the application of the proceeds of said loan and the payment of such indebtedness; and, consenting to the assignment of the City's obligation under such loan agreement.**

Councilmember Smith moved, seconded by Councilmember Hensley that the resolution be adopted.

The City Attorney clarified that approval of this resolution authorizes the City to proceed with the loan agreement.

The resolution was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**PUBLIC HEARINGS AND FIRST READINGS OF ORDINANCES**

First Readings

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the ordinance be approved on first reading.

Code Enforcement Supervisor Denny Boss responded to questions from City Council and, after brief discussions, the ordinance was approved on first reading by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Beehan. Mayor Pro Tem Miller was absent during the vote.

**AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ORDER TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE.**

Councilmember Smith moved, seconded by Councilmember Hensley that the ordinance be approved on

first reading. The ordinance was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

**AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC. CODES,” CHAPTER 7, TITLED “PLUMBING CODE - GENERALLY,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED “INTERNATIONAL PLUMBING CODE ADOPTED,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED “INTERNATIONAL PLUMBING CODE ADOPTED,” AND BY DELETING SECTION 12-706, TITLED “INTERNATIONAL PLUMBING CODE – AMENDMENTS,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-706, TITLED “INTERNATIONAL PLUMBING CODE – AMENDMENTS,” IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.**

Councilmember Hensley moved, seconded by Councilmember Hope that the ordinance be approved on first reading. The ordinance was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

**AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC. CODES,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY RENUMBERING CHAPTER 12, TITLED “CITATIONS AND ORDINANCE SUMMONSES,” TO BE CHAPTER 16 WITH THE TITLE REMAINING THE SAME; BY DESIGNATING CHAPTERS 13, 14, AND 15 AS “RESERVED FOR FUTURE USE”; AND BY CREATING A NEW CHAPTER 12, TITLED “INTERNATIONAL ENERGY CONSERVATION CODE,” TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS REQUIRED BY THE STATE OF TENNESSEE.**

Councilmember Smith moved, seconded by Councilmember Hope that the ordinance be approved on first reading. The ordinance was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

**AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC. CODES,” CHAPTER 1, TITLED “BUILDING ACCESSIBILITY BY PHYSICALLY DISABLED PERSONS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-103, TITLED “MINIMUM SPECIFICATIONS,” AND SUBSTITUTING THEREFOR A NEW SECTION 12-103, TITLED “MINIMUM SPECIFICATIONS,” IN ORDER TO ADOPT THE ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC A117.1-2009 CODE.**

Councilmember Hensley moved, seconded by Councilmember Smith that the ordinance be approved on first reading. Following brief discussion, the ordinance was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

**AN ORDINANCE TO AMEND TITLE 9, TITLED “BUSINESS, PEDDLERS, SOLICITORS, ETC.,” CHAPTER 7, TITLED “ADULT ENTERTAINMENT ESTABLISHMENTS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE,” BY AMENDING SECTION 9-703, TITLED “LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS,” TO ADD ADDITIONAL LOCATION RESTRICTIONS, INCREASE THE DISTANCE PROVISION FOR RESIDENTIAL AREAS, AND ALTER THE DISTANCE MEASUREMENT METHOD FOR COMPLIANCE WITH TENNESSEE CODE ANNOTATED §7-51-1407.**

Councilmember Hope moved, seconded by Councilmember Hensley that the ordinance be approved on first reading. Following a brief review of the amendments from the City Attorney, the ordinance was approved on first reading with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

**FINAL ADOPTION OF ORDINANCES**

(NONE)

**ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Elections/Appointments

Announcements

Scheduling

**COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS**

Councilmember Smith requested to receive information on the following: (1) the Beer Permit Board Guidelines; (2) reports on contracts issued from the \$10-\$20,000 range; (3) update on completion of Comprehensive Annual Financial Report update for FY2012.

Councilmember Hensley clarified with the City Manager that the “brown bagging” issue discussed earlier during the “Appearance of Citizens” would be presented to City Council at an upcoming Work Session.

Councilmember Hope commented that residents have been inquiring about commercial vehicles parked on private property, and requested additional information on the ordinances that address this issue.

Councilmember Hensley inquired about speed limit signs being concealed on the west end of Oak Ridge Turnpike. The City Manager indicated that it was temporary circumstance.

**SUMMARY OF CURRENT EVENTS**

CITY MANAGER’S REPORT

The City Manager noted that some Boards and Commissions agenda packets cannot be sent electronically, as requested by Council, as some may contain sensitive information. In those circumstances, the City Manager explained that paper copies would be available as part of the usual distribution procedure.

CITY ATTORNEY’S REPORT

The City Attorney also followed up on the City Manager’s discussion by noting that agenda packets can contain sensitive information, particularly a beer permit application, and caution should be applied in transmitting such documents.

**ADJOURNMENT**

The meeting adjourned at 11:10 p.m.

Diana R. Stanley, City Clerk  
CITY OF OAK RIDGE, TENNESSEE

**MAYOR'S MEMORANDUM**  
**12-02**

**DATE:** October 2, 2012

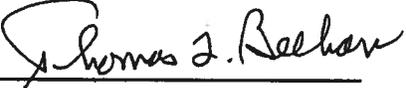
**TO:** Fellow Members of City Council

**FROM:** Mayor Thomas L. Beehan

**SUBJECT:** APPOINTMENT OF RAILROAD AUTHORITY DIRECTOR

The attached resolution will reappoint Dr. Pete Craven, 113 Wiltshire Drive, to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority. The Board of Directors of the Railroad Authority contains two directors, as required by The Tennessee Code. The Code provides that one Director shall be the Mayor or his designee and an additional Director-at-Large shall be selected by City Council. Mr. Gordon Fee currently serves as the Director-at-Large.

Because I do not have the time to give this board the attention it deserves and I have every confidence in Dr. Craven's ability to do so, I am recommending your approval of his reappointment to serve as my designee.



\_\_\_\_\_  
Mayor

Attachments

NUMBER \_\_\_\_\_

**RESOLUTION**

A RESOLUTION REAPPOINTING DR. PETE CRAVEN TO SERVE AS THE MAYOR'S DESIGNEE ON THE BOARD OF DIRECTORS OF THE OAK RIDGE-HERITAGE RAILROAD AUTHORITY FOR A THREE-YEAR TERM OF OFFICE ENDING ON OCTOBER 9, 2015.

WHEREAS, by Resolution No. 10-98-09, City Council appointed Dr. Pete Craven to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority for a three-year term of office ending on October 9, 2012; and

WHEREAS, Dr. Craven has agreed to serve another term of office upon said Board and the Mayor recommends that he be so appointed to serve another term of three years, which term shall expire on October 9, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the Mayor is approved and Dr. Pete Craven is hereby appointed to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority for a three-year term of office ending on October 9, 2015.

BE IT FURTHER RESOLVED that Dr. Craven's service as a member of said Board of Directors shall begin upon the expiration of his previous term of office, provided that he shall take the oath of office prescribed for all officers or employees of the City in Article I, Section 10, of the Charter of the City of Oak Ridge, Tennessee.

This the 8<sup>th</sup> day of October 2012.

APPROVED AS TO FORM AND LEGALITY:



\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

Personnel Memorandum  
12-113

September 28, 2012

TO: Mark S. Watson, City Manager  
FROM: Penelope H. Sissom, Personnel Director  
SUBJECT: MEDICAL INSURANCE RENEWAL

The attached resolution extends the contract with the State of Tennessee Local Government Health Insurance Program to purchase employee medical insurance for calendar year 2013.

The State program that became effective January 1, 2011 offers a wide variety of choices with different premium rates for Employee Only, Employee plus Child(ren), Employee plus Spouse, and Employee plus Spouse plus Child(ren) and Employee Dual (both spouses are City employees under one contract). The employee then chooses either a Standard PPO (Preferred Provider Organization), a Partnership PPO or a PPO Limited and all three of these options are offered by both Blue Cross Blue Shield and CIGNA HealthCare. Each of the plans has different coinsurance and different deductible amounts. Another factor in the employee's decision is that not all physicians and hospitals are in every plan.

Resolution Number 5-44-03, adopted by the City Council at its May 5, 2003 meeting, specifies the City's premium cost sharing policy:

1. The City pays 85% of the highest cost plan for employees choosing single coverage with the employee paying the remaining cost;
2. The City pays 70% of the highest cost plan for employees choosing family coverage with the employee paying the remaining cost; and
3. Each spouse of the dual family (both spouses work for the City) pays the applicable single coverage employee rate for the specific plan selected for the dual family coverage.

Because of this policy, those employees selecting any of the four Limited PPO plans for CY2013 will have no payroll deduction. Staff is advocating that this cost-sharing policy continue as indicated above for calendar year 2013 and fiscal year 2014.

Resolution Number 6-52-08, adopted by the City Council at its June 16, 2008 meeting, provides that the City contributes 50% of the medical insurance cost for its retirees and their families until the retiree becomes eligible for Medicare, or has been retired for seven years, whichever comes first.

The City was advised that because of projected benefit and administrative expenses there will be an average increase in premiums of 2.5% effective January 1, 2013. This increase, which fortunately is well below the published figures for medical insurance increases, will be shared with employees as indicated in the policies above and the figures listed below. Employees have been advised of this increase since the period of October 1 through November 1, 2012 is the annual enrollment transfer period when employees may change plans (Partnership, Standard or Limited PPO), may change medical providers (BCBS or CIGNA) or enroll dependents without a qualifying event. The benefit structure for CY2013 also has increases in deductibles, coinsurance amounts and some drug co-pays. As part of the Partnership PPO, employees will be required to participate actively in health and lifestyle coaching, if necessary and meet required medical testing.

The charts on the next page reflect the medical insurance premium changes and the impact these premiums will have on both the City and employees.

**Total Premiums**

<u>Level of Coverage</u>	<u>Blue Cross Blue Shield</u>		<u>CIGNA HealthCare</u>	
	<u>Monthly</u>	<u>Annual</u>	<u>Monthly</u>	<u>Annual</u>
<b>Partnership PPO</b>				
Employee	\$580.77	\$6,969.24	\$600.77	\$7,209.24
Employee + Child(ren)	\$900.19	\$10,802.28	\$940.19	\$11,282.28
Employee + Spouse	\$1,248.63	\$14,983.56	\$1,288.63	\$15,463.56
Employee + Spouse + Child(ren)	\$1,568.07	\$18,816.84	\$1,608.07	\$19,296.84
<b>Standard PPO</b>				
Employee	\$605.77	\$7,269.24	\$625.77	\$7,509.24
Employee + Child(ren)	\$925.19	\$11,102.28	\$965.19	\$11,582.28
Employee + Spouse	\$1,298.63	\$15,583.56	\$1,338.63	\$16,063.56
Employee + Spouse + Child(ren)	\$1,618.07	\$19,416.84	\$1,658.07	\$19,896.84
<b>PPO-Limited</b>				
Employee	\$371.90	\$4,462.80	\$391.90	\$4,702.80
Employee + Child(ren)	\$576.44	\$6,917.28	\$616.44	\$7,397.28
Employee + Spouse	\$799.58	\$9,594.96	\$839.58	\$10,074.96
Employee + Spouse + Child(ren)	\$1,004.13	\$12,049.56	\$1,044.13	\$12,529.56

**Employee Cost**

<u>Level of Coverage</u>	<u>Blue Cross Blue Shield</u>		<u>CIGNA HealthCare</u>	
	<u>Pay Period</u>	<u>Annual</u>	<u>Pay Period</u>	<u>Annual</u>
<b>Partnership PPO</b>				
Employee	\$22.55	\$586.30	\$31.78	\$826.28
Employee + Child(ren)	\$103.64	\$2,694.64	\$122.10	\$3,174.60
Employee + Spouse	\$143.81	\$3,739.06	\$162.27	\$4,219.02
Employee + Spouse + Child(ren)	\$188.04	\$4,889.04	\$206.50	\$5,369.00
Employee Dual	\$45.10	\$1,172.60	\$63.56	\$1,652.56
<b>Standard PPO</b>				
Employee	\$34.09	\$886.34	\$43.32	\$1,126.32
Employee + Child(ren)	\$115.18	\$2,994.68	\$133.64	\$3,474.64
Employee + Spouse	\$166.89	\$4,339.14	\$185.35	\$4,819.10
Employee + Spouse + Child(ren)	\$211.12	\$5,489.12	\$229.58	\$5,969.08
Employee Dual	\$68.18	\$1,772.68	\$86.64	\$2,252.64

PPO-Limited – No Charge for Employee with Any Option

Sufficient funds are included in the FY2013 Budget for the CY2013 increase. Therefore, Staff recommends adoption of the attached resolution.

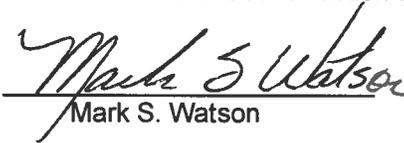


Penelope H. Sissom

Attachment

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson      9/28/2012  
Mark S. Watson      Date

**RESOLUTION**

A RESOLUTION TO EXTEND THE EMPLOYEE MEDICAL INSURANCE CONTRACT BETWEEN THE CITY OF OAK RIDGE AND THE STATE OF TENNESSEE LOCAL GOVERNMENT HEALTH INSURANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 AT AN ESTIMATED COST OF \$4,300,000.00.

WHEREAS, it is appropriate for the City to ensure that its employees have affordable medical insurance coverage for themselves and their families; and

WHEREAS, it is appropriate for the City to provide medical insurance coverage for its employees that is comparable to that provided by similar cities and employers; and

WHEREAS, it is appropriate for the City to ensure that those who have retired from City employment after having served the City have medical insurance coverage for themselves and their families; and

WHEREAS, it is appropriate for the City to provide for a medical reimbursement account for those employees who elect not to have medical insurance through the City; and

WHEREAS, the State of Tennessee offers to local government employees and retirees a self-insured medical insurance plan and contracts for the administration of said plan; and

WHEREAS, by Resolution 9-148-98, City Council approved a contract with the State of Tennessee for the purchase of employee medical insurance; and

WHEREAS, the City of Oak Ridge has the option to extend said contract for the period of January 1, 2013 through December 31, 2013, at an estimated cost of \$4,300,000.00; and

WHEREAS, the City Manager recommends extension of said contract.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the contract between the City of Oak Ridge and the State of Tennessee Local Government Health Insurance Program, Nashville, Tennessee, to provide employee medical insurance is hereby extended for the period January 1, 2013 through December 31, 2013 at an estimated cost of \$4,300,000.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 8th day of October 2012.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney  
\_\_\_\_\_  
Thomas L. Beehan, Mayor  
\_\_\_\_\_  
Diana R. Stanley, City Clerk

POLICE DEPARTMENT MEMORANDUM  
12-02

DATE: September 28, 2012  
TO: Mark S. Watson, City Manager  
FROM: James T. Akagi, Chief of Police  
SUBJECT: GOVERNOR'S HIGHWAY SAFETY GRANT

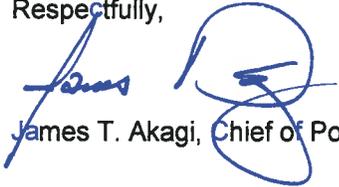
An item for the agenda is a resolution approving a grant contract with the State of Tennessee, Department of Transportation, Governor's Highway Safety Office, in the amount of \$24,610.40.

The City's Police Department has been the recipient of grant funds from the Governor's Highway Safety Office for many years. This year, the Police Department has been notified by the State that it is eligible to receive a \$24,610.40 grant. The grant contract specifies the purposes for which the grant funds may be used, which purposes relate to the reduction of offenses for driving under the influence (DUI) through the implementation of an Alcohol Countermeasure Highway Safety Project.

Said grant funds do not require a local match.

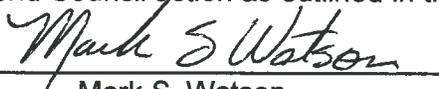
Staff recommends approval of the attached resolution.

Respectfully,

  
James T. Akagi, Chief of Police

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
Mark S. Watson  
Date 10/2/12

NUMBER \_\_\_\_\_

**RESOLUTION**

A RESOLUTION TO ACCEPT A GRANT FROM THE STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION, GOVERNOR'S HIGHWAY SAFETY OFFICE, IN THE AMOUNT OF \$24,610.40 TO BE USED FOR AUTHORIZED TRAFFIC ENFORCEMENT AND/OR TRAINING PURPOSES.

WHEREAS, grant monies are available from the State of Tennessee, Department of Transportation, Governor's Highway Safety Office; and

WHEREAS, the City is eligible to receive a \$24,610.40 grant to be used for traffic enforcement initiatives and training pertaining to driving under the influence; and

WHEREAS, said grant requires no matching funds; and

WHEREAS, the City Manager recommends acceptance of the grant.

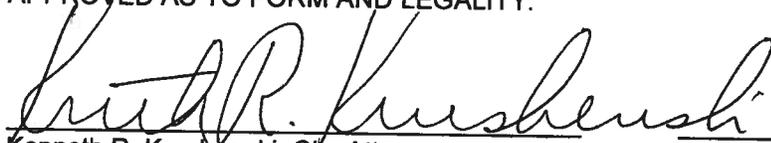
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to accept an enforcement initiative grant from the State of Tennessee, Department of Transportation, Governor's Highway Safety Office, in the amount of \$24,610.40 to be used for authorized traffic enforcement and/or training purposes pertaining to driving under the influence.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 8th day of October 2012.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

**PUBLIC WORKS MEMORANDUM**  
**12-29**

**DATE:** October 2, 2012  
**TO:** Mark S. Watson, City Manager  
**FROM:** Gary M. Cinder, P.E., Director of Public Works  
**SUBJECT:** **Sewer Rehabilitation Project Contract COR 12-16-E5**  
**Sewer Rehabilitation Project Contract COR 12-17-E6**

The accompanying resolution authorizes award of two contracts for rehabilitation of portions of the City of Oak Ridge Wastewater Collection and Transportation System (WCTS). The first contract is COR 12-16-E5, in the estimated amount of \$946,352.50 awarded to Hurst Excavating, LLC of Knoxville, TN. The second contract is COR 12-17-E6 in the estimated amount of \$709,265 awarded to A&M Contractors, Inc. of Tullahoma, TN.

Section IV of the Environmental Protection Agency (EPA) Administration Order requires that the City develop a plan for complete remediation of the WCTS with all work to be finished by September 2015. Time is crucial to avoid fines and penalties associated with failure to meet the EPA timeline to complete remediation. With approximately fifteen (15) rehabilitation projects remaining and considering the timeframe for design, bidding, approval and construction of each project, staff will be letting projects for bid as funding is available and designs completed.

The two contracts presented with this memorandum include two mini-basins identified as the highest priority in the recently completed system studies as submitted to EPA.

- COR 12-16-E5 titled Wastewater System Rehabilitation Program, EPA Administrative Order CWA-04-02010-4772. Repairs in this contract will be generally located in Mini-Basin E-12. This mini-basin is north of the Oak Ridge Turnpike and east of Arkansas Avenue and provides for the replacement or renewal of approximately 12,500 feet of sanitary sewer line, 155 manholes and various point repairs. Two bids were received for this contract and opened on September 13, 2012 with the lowest bid recommended for award.
- COR 12-17-E6 titled Wastewater System Rehabilitation Program, EPA Administrative Order CWA-04-02010-4772. Repairs in this contract will be generally located in Mini-Basin E-11. This mini-basin is north of the Oak Ridge Turnpike and generally between California and Arkansas Avenues. This contract provides for the replacement or renewal of approximately 6,850 feet of sanitary sewer line, 135 manholes and various point repairs. Bids were originally opened for this contract on September 25, 2012. Due to irregularities, the contract was rebid on October 2, 2012 resulting in one bid being received and a savings of approximately \$48,000 from the initial bid.

Lamar Dunn and Associates, Inc. has reviewed the bids and provided a certified bid tabulation and recommendation letter.

Funding for these contracts is projected to be provided from the recent TMBF loan. Staff recommends approval of the accompanying resolution as submitted.

  
\_\_\_\_\_  
Gary M. Cinder

ks

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
Mark S. Watson

10/2/12  
\_\_\_\_\_  
Date

**CITY OF OAK RIDGE, TENNESSEE  
Abstract of Bids**

COR # 12-16-E5  
OPENING DATE: September 13, 2012 10:30 A.M.

DESCRIPTION	QTY	UNIT	BIDDER:		BIDDER:		BIDDER:		
			Hurst Excavating, LLC PO Box 5340 Knoxville, TN 37928	A & M Contractors, Inc. 314 South Polk Street Tullahoma, TN 37388	Portland Utilities Construction Company, LLC PO Box 510 / 117 Deermase Street Portland, TN 37148	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE WASTEWATER SYSTEM REHABILITATION PROGRAM PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 946,352.50	\$ 986,662.00	\$ 1,116,933.02				
<b>TOTAL PRICE</b>			\$ 946,352.50	\$ 986,662.00	\$ 1,116,933.02				
<b>TERMS</b>			Net 30	Net 30	Net 30				
<b>DELIVERY</b>			per Contract	per Contract	per Contract				
<b>F.O.B.</b>			Oak Ridge	Oak Ridge	Oak Ridge				
<b>VIA</b>			Best Way	Best Way	Best Way				
<b>OTHER BIDDERS CONTACTED:</b> Reynolds Inliner, LLC - Orleans, IN SAK Construction - O'Fallon, MO Insituform Technologies, LLC - Chesterfield, MO Pipeworks Plus, Inc. - Tullahoma, TN			BIDS OPENED AND RECORDED BY:—  <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager					BIDS REVIEWED BY:—  <i>Janife McGinnis</i> Janife McGinnis Finance Director	
<b>REASON FOR AWARD</b> ONLY BID RECEIVED LOW PRICE BETTER OR REQUIRED DESIGN EARLY DELIVERY LOWEST TOTAL COST			<b>RECOMMEND AWARD BE MADE TO:</b>  Hurst Excavating, LLC PO Box 5340 Knoxville, TN 37928					<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	

**CITY OF OAK RIDGE, TENNESSEE**  
Abstract of Bids

COR # 12-17-E6  
OPENING DATE: October 2, 2012 10:00 A.M.

DESCRIPTION	QTY	UNIT	BIDDER:		BIDDER:		BIDDER:			
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL		
Wastewater System Rehabilitation Program - EPA Administrative Order CWA-04-2010-4772			BIDDER: A & M Contractors, Inc. 314 South Polk Street Tullahoma, TN 37388							
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE WASTEWATER SYSTEM REHABILITATION PROGRAM PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 709,265.00							
<b>TOTAL PRICE</b>			\$ 709,265.00							
<b>TERMS</b>			Net 30							
<b>DELIVERY</b>			per Contract							
<b>F.O.B.</b>			Oak Ridge							
<b>VIA</b>			Best Way							
<b>OTHER BIDDERS CONTACTED:</b> Reynolds Inliner, LLC - Orleans, IN SAK Construction - O'Fallon, MO Insituform Technologies, LLC - Chesterfield, MO Pipeworks Plus, Inc. - Tullahoma, TN Hurst Excavating, LLC - Knoxville, TN Portland Utilities Construction Company, LLC - Tullahoma, TN			<b>BIDS OPENED AND RECORDED BY--</b> Lynn Majecki Accounting Division Manager		<b>BIDS REVIEWED BY--</b> Janice McGinnis Finance Director					
<b>REASON FOR AWARD</b> ONLY BID RECEIVED <input checked="" type="checkbox"/> X BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input type="checkbox"/>			<b>RECOMMEND AWARD BE MADE TO:</b> A & M Contractors, Inc. 314 South Polk Street Tullahoma, TN 37388							

**RESOLUTION**

A RESOLUTION AWARDING A CONTRACT (COR 12-16-E5) TO HURST EXCAVATING, LLC, KNOXVILLE, TENNESSEE, AND A CONTRACT (COR 12-17-E6) TO A & M CONTRACTORS, INC., TULLAHOMA, TENNESSEE, FOR THE REHABILITATION OF PORTIONS OF THE WASTEWATER COLLECTION AND TRANSPORTATION SYSTEM AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER, SAID CONTRACTS IN THE ESTIMATED AMOUNT OF \$946,352.50 AND \$709,265.00, RESPECTIVELY.

WHEREAS, at the September 27, 2010 work session, City Council was briefed by the City Manager and Public Works Director on an Administrative Order with the United States Environmental Protection Agency (EPA) outlining the various studies, plans, and corrective actions to be taken by the City related to the violations determined by the EPA regarding periodic overflows from the sanitary sewer collection system; and

WHEREAS, as part of the Administrative Order, the City is required to develop a plan for complete remediation of the Wastewater Collection and Transportation System, with all remediation work to be completed by September 2015; and

WHEREAS, bids were received and publicly opened on September 13, 2012 with Hurst Excavating, LLC, Knoxville, Tennessee, submitting the lowest and best bid for the Mini-Basin E-12 project, which bid the City Manager recommends be accepted; and

WHEREAS, bids were received and publicly opened on October 2, 2012, with A & M Contractors, Inc., Tullahoma, Tennessee, submitting the sole bid for the Mini-Basin E-11 project, which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and awards are hereby made as follows:

To Hurst Excavating, LLC, P.O. Box 5374, Knoxville, Tennessee 37928, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the sewer rehabilitation project for Mini-Basin E-12 north of the Oak Ridge Turnpike and east of Arkansas Avenue; said award in strict accordance with COR 12-16-E5, the required specifications, and the bid as publicly opened on September 13, 2012, and in the estimated amount of \$946,352.50.

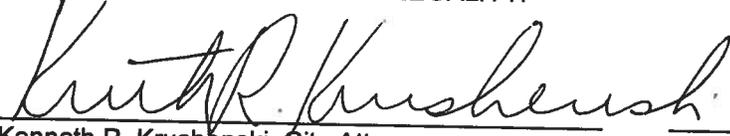
To A & M Contractors, Inc., 314 South Pole Street, Tullahoma, Tennessee 37388, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the sewer rehabilitation project for Mini-Basin E-11 north of the Oak Ridge Turnpike and generally between California Avenue and Arkansas Avenue; said award in strict accordance with COR 12-17-E6, the required specifications, and the bid as publicly opened on October 2, 2012, and in the estimated amount of \$709,265.00.

BE IT FURTHER RESOLVED that the scope of both contracts may be expanded to address other areas of the sewer system for rehabilitation work provided the type work to be performed is of the type that was originally bid (unit prices) and the contract price remains unchanged.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 8th day of October 2012.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

**CITY COUNCIL MEMORANDUM**  
**12-29**

**DATE:** October 1, 2012  
**TO:** Honorable Mayor and Members of City Council  
**FROM:** Mark S. Watson, City Manager  
**SUBJECT:** ESTABLISHING OCTOBER 22, 2012 AS A REGULAR CITY COUNCIL MEETING

Introduction

An item for City Council's consideration is a resolution amending Resolution No. 12-117-11 to schedule October 22, 2012 as a regular meeting of the Oak Ridge City Council versus a work session.

Description

At the December 12, 2011 City Council meeting, City Council approved Resolution 12-117-11 which established the City Council meeting schedule for calendar year 2012 in accordance with the City Charter. The resolution specifically outlined that regular meetings of the City Council shall, not counting two exceptions, occur on the second Monday of each month, and therefore established October 8, 2012 as a regular meeting of City Council.

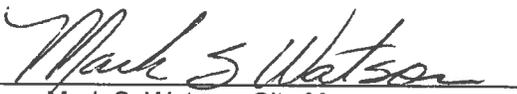
Due to the time sensitive pace of City business, I would like to call a special-called meeting of the City Council on October 22, 2012 for consideration of all matters related to the Kroger Marketplace Shopping Center, the Alexander Inn, and adoption of new City Codes and any other City business. Additionally, City business continues to arise that I would prefer to have completed or addressed prior to the end of October, but am unable to add to the October 8, 2012 Council agenda as staff continues to gather information on certain topics.

According to Article II, Section 2, titled "Special meetings of council," of the Oak Ridge City Charter, "business transacted at any special meeting shall be limited to subjects recited in the notice of such meeting." If the October 22, 2012 meeting were treated as a special meeting that would result in a lengthy and costly public notice. Also, October 22, 2012 is already scheduled as a City Council Work Session, which should assist with the transition to a regular Council meeting.

Recommendation

Given the current pace of City business activities, I would recommend establishing October 22, 2012 as a regular meeting of the City Council so that the City is not limited in the business conducted that night. City staff can publish a public notice advising of the meeting format and draft press releases as an added measure in informing the public following approval at the October 8, 2012 Council meeting. With the formatting of a regular City Council meeting, I can also use the City Manager's Report to update/discuss issues with Council as I would during a Work Session setting.

Adoption of the attached resolution is recommended.

  
\_\_\_\_\_  
Mark S. Watson, City Manager

Attachment

**RESOLUTION**

A RESOLUTION TO AMEND RESOLUTION 12-117-11 TO ADD AN ADDITIONAL REGULAR CITY COUNCIL MEETING – OCTOBER 22, 2012 – TO THE CITY COUNCIL MEETING SCHEDULE.

WHEREAS, by Resolution 12-117-11, City Council established the City Council meeting schedule for calendar year 2012 in accordance with City Charter Article II, Section 1, "Regular meetings of council"; and

WHEREAS, said resolution establishes one regular meeting for the month of October 2012; and

WHEREAS, the City Manager recommends the addition of another regular meeting in the month of October to allow City Council the ability to vote on time sensitive materials and other items as needed without the need and expense for calling a special meeting for each individual item to be presented; and

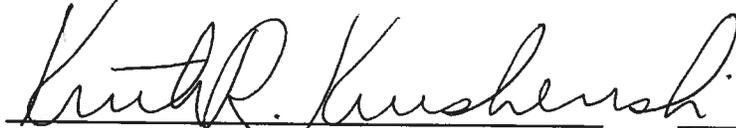
WHEREAS, the City Manager recommends the addition of October 22, 2012 as a regular meeting of City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That Resolution 12-117-11 is hereby amended to add an additional meeting – October 22, 2012 – to the City Council regular meeting schedule beginning at 7:00 p.m. in the Municipal Building Courtroom.

This the 8th day of October 2012.

APPROVED AS TO FORM AND LEGALITY:



\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

# RESOLUTIONS

**PUBLIC WORKS MEMORANDUM**  
**12-31**

**DATE:** September 27, 2012  
**TO:** Mark S. Watson, City Manager  
**THROUGH:** Gary M. Cinder, P.E., Director of Public Works *GMC*  
**FROM:** Steven R. Byrd, P.E., City Engineer  
**SUBJECT:** **Proposed Weigel's Accesses to South Illinois Avenue (SR 62) - Parcel 41.00**

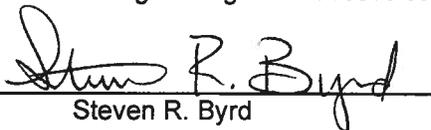
The accompanying resolution authorizes approval of one full-use access and one right-in/right-out access to South Illinois Avenue (State Route 62) to serve a proposed Weigel's convenience market and gas station on Parcel 41.00, Anderson County Tax Map 100P, Group F. The property owner has requested City Council approval of the accesses to South Illinois Avenue as shown on the enclosed drawing. Illinois Avenue is an arterial street and requires Council approval of accesses. The Tennessee Department of Transportation must approve the accesses to the state route.

The development plan for this project proposes a convenience market of 4,000 square feet and 16 gas pumps. A Traffic Impact Study (TIS) was prepared by Cannon & Cannon, Inc. to evaluate the traffic operational and safety impacts of the proposed development in the vicinity of the project site. The study generated traffic trips for the site as shown on the enclosed 2014 combined traffic data sheet. These traffic trips were used in the capacity analysis for the Illinois Avenue/Rutgers Avenue intersection and the two proposed accesses for both AM and PM Illinois Avenue peak traffic periods. The enclosed Table 3 provides the operational level of services (LOS) at each location for the build-out year 2014. Enclosed is the TIS Conclusions and Recommendations.

A concern identified in the study is the LOS of "F" during the PM peak traffic period for the full-use access. The study states that the capacity analysis was generated from a software program that assumed random arrival of major street traffic and does not account for gaps that may be created by adjacent traffic signals. Cannon and Cannon performed field observations during the busiest PM peak period, 4:30-5:00, and found that the adjacent signals created numerous sufficient gaps for left-turn movements. City staff also conducted several field observations during the PM peak traffic period and found that there were adequate traffic gaps for the left-turn movements. Cannon and Cannon is presently under contract with the City to modify traffic signal timing plans along South Illinois Avenue and such plan will be structured, as much as possible, to maintain adequate gaps during all time periods.

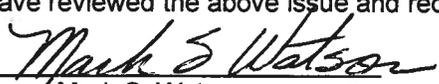
The TIS addressed a concern that the location of the full-use access did not align with the opposite Outback Steakhouse access and that there may be conflicting left-turn movements in the Illinois Avenue center turn lane. The study states that this occurrence is not unusual for a center turn lane and that the Outback traffic appears light and its peaks do not coincide with the anticipated Weigel's peaks. Staff feels that the potential of conflicting movements is not considered to be a significant issue. The TIS also evaluated the need for an Illinois Avenue right-turn deceleration lane for the site and based on national acceptable standards found that the deceleration lane is not warranted for the AM or PM peak traffic periods.

The enclosed communications from the Traffic Safety Advisory Board's September 25, 2012 meeting recommends approval of the proposed accesses. City staff recommends approval of the proposed full-use access and right-in/right-out access subject to TDOT approval of the accesses to State Route 62.

  
Steven R. Byrd

ks

Enclosures (5)

<p><b>City Manager's Comments:</b></p> <p>I have reviewed the above issue and recommend council action as outlined in this document.</p> <p> Mark S. Watson</p> <p style="text-align: right;"><u>10/4/12</u> Date</p>
--



200 Feet

100

200

RUTGERS AVE.

IN BANK

LOT 41  
PROPOSED  
WEIGEL'S

550'

OUTBACK-STEAKHOUSE

SOUTH ILLINOIS AVE.

ENGINEERING/SRB/CCB

POTOMAC CRT

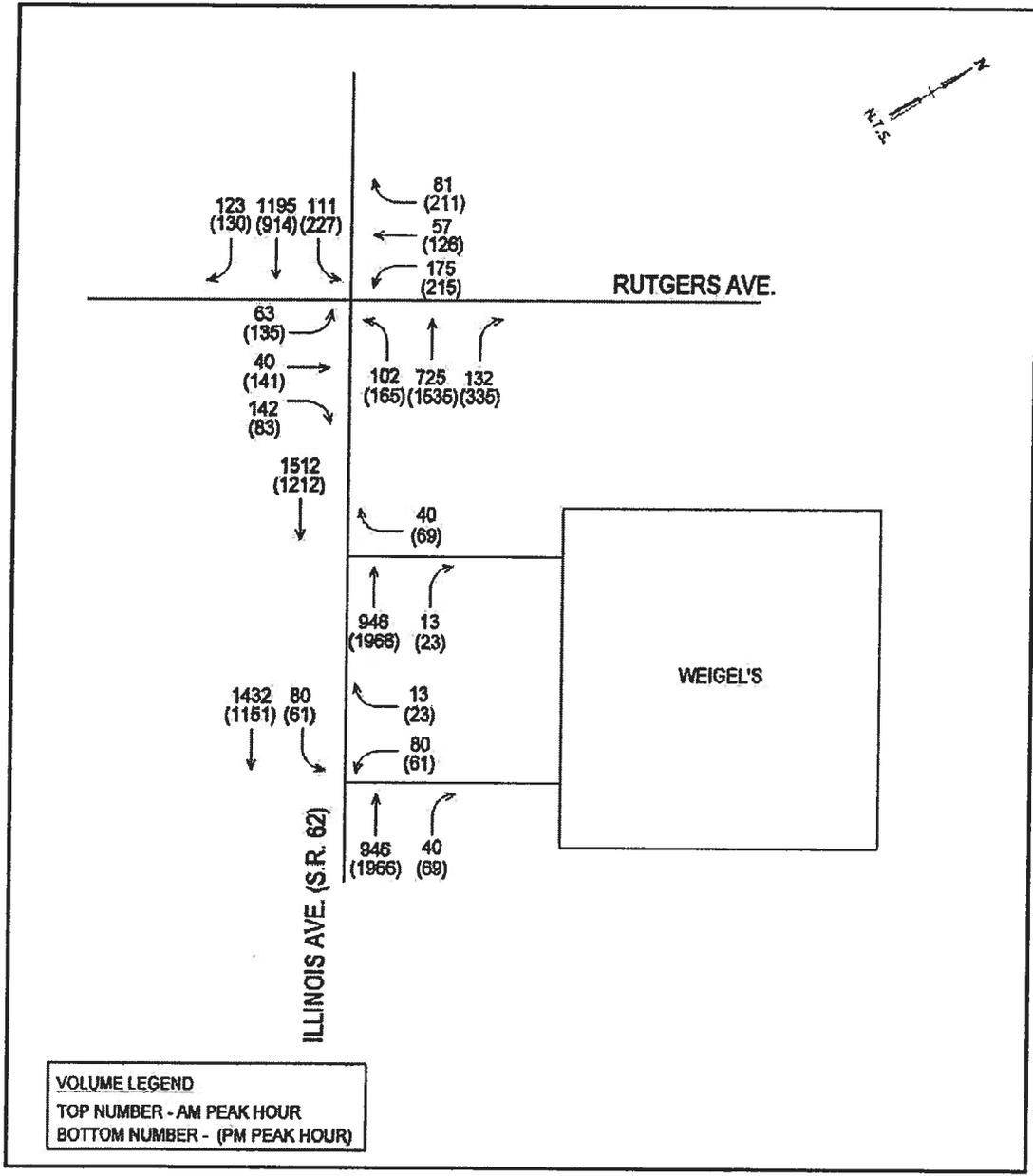


FIGURE 7  
 2014 COMBINED TRAFFIC DATA

## EVALUATIONS

### CAPACITY ANALYSES

Capacity analyses employing the methods of the most recent version of the Highway Capacity Manual were conducted for the study intersection of Illinois Avenue and Rutgers Avenue and for the two site access driveways. These analyses were performed for existing, background and future conditions as previously discussed. TABLE 3 may be referenced for tabular summaries of these analyses, while more detailed summaries are presented on the computer printouts contained in the APPENDIX. In addition, the APPENDIX also contains a section entitled "Intersection Capacity and Level of Service Concepts," which provides a description of the utilized procedures.

**TABLE 3  
CAPACITY ANALYSIS SUMMARY**

Intersection	Time Period	2012 Existing (LOS/Delay)	Year 2014 Background (LOS/Delay)	Year 2014 Combined (LOS/Delay)
Illinois Avenue at Rutgers Avenue Existing Geometry and Control (SIGNALIZED) <sup>1</sup>	A.M.	C 20.3	C 20.8	C 21.0
	P.M.	C 29.0	C 30.1	C 30.4
Illinois Avenue at North Driveway Proposed Geometry and Control (SIDE STREET STOP – RIGHT IN/RIGHT OUT) <sup>2</sup>	A.M.	---	---	B 11.0
	P.M.	---	---	C 17.5
Illinois Avenue at South Driveway Proposed Geometry and Control (SIDE STREET STOP – FULL ACCESS) <sup>2</sup>	A.M.	---	---	D 26.7
	P.M.	---	---	F 156.0

<sup>1</sup>SIGNALIZED CONTROL – Level-of-Service and Average Vehicular Delay (seconds) for full intersection.

<sup>2</sup>SIDE STREET STOP CONTROL – Level-of-Service and Average Vehicular Delay (seconds) for side street approach.

See APPENDIX for detailed computer print-out summaries and discussion of Capacity and Level-of-Service concepts.

Intersection capacity analyses for the projected year of 2014 indicate that the proposed Weigel's development will have a negligible impact on the existing signalized intersection of Illinois Avenue at Rutgers Avenue. This intersection currently operates at LOS "C" during both AM and PM peak traffic periods. The analyses show that it will continue to operate under LOS "C" during both peak traffic periods, with only a very slight delay increase over the background conditions that would exist without the Weigel's development.

## CONCLUSIONS & RECOMMENDATIONS

A primary conclusion of this study is that the traffic generated from the proposed development will have a minimal impact on traffic operations at the study intersection of Illinois Avenue and Rutgers Avenue. In addition, the north project site driveway will be restricted to right-in and right-out traffic movements, and is also anticipated to have a minimal impact on adjacent traffic operations.

The south project site driveway is proposed for full access, with all right turn and left turn traffic movements being allowed. The left-turn movements, both inbound and outbound, will have some impact on traffic operations. However, because regular and sizable gaps in Illinois Avenue traffic flow are present due to adjacent traffic signals, it is felt that these impacts will not create significant concerns. In addition, three recommended actions have been identified for implementation in conjunction with construction of this development that will be anticipated to help minimize project impacts and maximize traffic operations and safety. These are summarized below:

1. The geometry of the right-in / right-out site access driveway should be such that non right-turn traffic movements are made very difficult, and thus physically discouraged.
2. Existing vegetation, including brush and trees, located to the south of the south project site driveway should be trimmed and maintained in order to ensure a minimum 500 feet of sight distance looking south from that driveway.
3. The traffic signal coordination timing, which is currently under development, should be structured to ensure that adequate gaps continue to be provided in Illinois Avenue traffic flow to assist left-turn vehicles turning to and from the full access site driveway. This is to be accomplished to the degree possible without compromising the other goals of the signal timing project.



## COMMUNICATION

Date: September 27, 2012

Subject: Weigel's Convenience Market

To: Honorable Mayor and members of City Council

At the September 25 special called meeting of the Traffic Safety Advisory Board (Board), a Traffic Impact Study (TIS) was presented for the proposed Weigel's Convenience Market on S. Illinois Avenue south of Rutgers Avenue and TN Bank. Seven of the ten members of the Board and staff representative Steve Byrd were present. Mr. Alan Childers of the engineering firm Cannon & Cannon made the presentation. Mr. Chris Ooten was also present representing Weigel's.

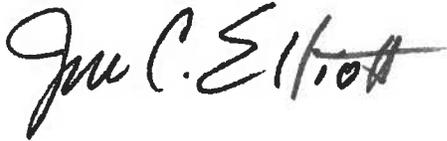
The development proposes two new driveway accesses on S. Illinois Ave. One driveway will allow only right turn movements (right in-right out), and the other driveway will be full access that allows all turning movements.

Several issues regarding the proposed driveways and the proximity of the Rutgers Avenue intersection were discussed. No serious concerns were raised by any member of the Board. No safety or operational issues were identified during the meeting. Mr. Childers addressed questions from the Board, some of which are listed below.

- Q: Will northbound traffic turning left into the Kmart/Kroger's shopping center back up into the north driveway? A: This is a probability during the PM peak period only. Since the north driveway is right in-right out, conflicts will be minimized.
- Q: Will the current pavement markings on S. Illinois need to be modified? A: No, the current pavement markings will work with the proposed driveways.
- Q: Will there be any rear access to the site from Potomac Circle? A: No, all access to the site is from S. Illinois. There will be some type of buffer (e.g. landscaping) between the store and the Potomac Circle neighborhood.
- Q: How will left turns be prevented at the right in-right out driveway? The raised splitter island in the driveway will need to be designed at such an angle to prevent a left turn movement. This is a standard design practice for this type of driveway.
- Q: How are gaps in the northbound S. Illinois traffic formed when it seems like this traffic coming from Lafayette/Scarboro intersection seems pretty constant? A: Long gaps were observed in the field by Cannon & Cannon personnel, even in the PM peak period. The traffic signal at the Lafayette intersection controls this traffic flow. For example, when the Lafayette/Scarboro through movement is green, S. Illinois northbound is stopped. Also the right turns from Lafayette onto S. Illinois are very low.

Subsequent to the discussion, a motion was made and seconded. The Board recommends that City Council approve the proposed site access plan and TIS as presented to the Board. Furthermore, it is the opinion of the Board that the TIS demonstrated adequate capacity to absorb traffic generated by the proposed Weigel's Convenience Market. Without further discussion, the motion was passed 6 in favor, 0 opposed, and 1 abstention.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jason C. Elliott". The signature is written in a cursive, flowing style.

Jason C. Elliott  
Vice Chairman, Traffic Safety Advisory Board

**RESOLUTION**

A RESOLUTION APPROVING TWO ACCESSES TO SOUTH ILLINOIS AVENUE FROM ANDERSON COUNTY TAX MAP 100P, GROUP F, PARCEL 41.00, SUBJECT TO APPROVAL BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION.

WHEREAS, the property owner of Anderson County Tax Map 100P, Group F, Parcel 41.00, has requested two accesses to South Illinois Avenue that will serve said parcel for the proposed convenience market and gas station project; and

WHEREAS, South Illinois Avenue is an arterial road requiring City Council approval of access; and

WHEREAS, South Illinois Avenue is also a state route requiring Tennessee Department of Transportation approval of access; and

WHEREAS, the proposed accesses have been reviewed by the Traffic Safety Advisory Board at its September 25, 2012 meeting, which Board recommended approval; and

WHEREAS, the proposed access locations are recommended by the City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the full-use access and right-in/right-out access to South Illinois Avenue from Anderson County Tax Map 100P, Group F, Parcel 41.00, as shown on the drawing attached hereto, dated September 18, 2012, are hereby approved subject to approval of the accesses by the Tennessee Department of Transportation.

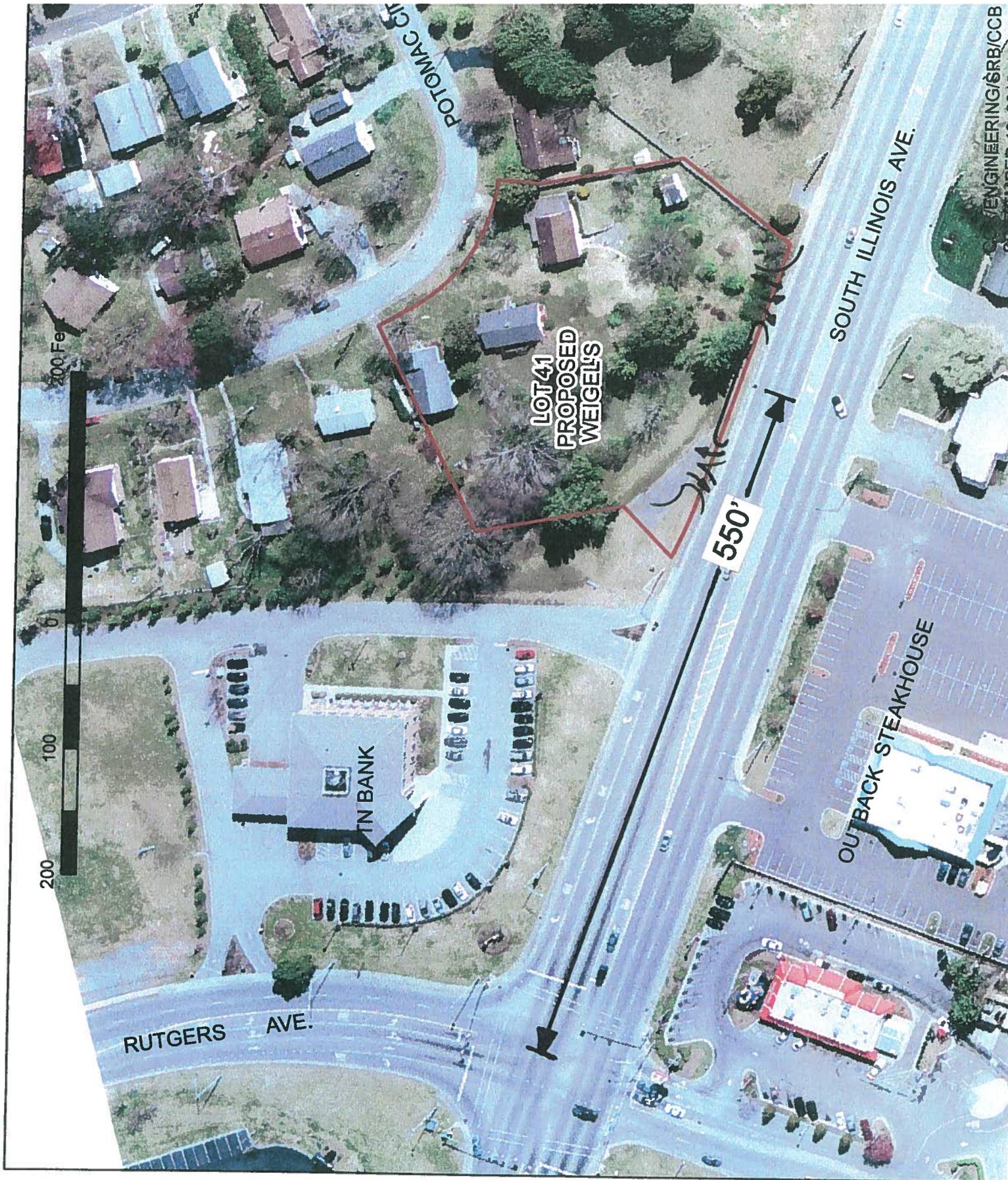
This the 8th day of October 2012.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk



LOT 41  
PROPOSED  
WEIGELS

550'

TN BANK

OUTBACK STEAKHOUSE

RUTGERS AVE.

SOUTH ILLINOIS AVE.

POTOMAC CIR

ENGINEERING/SRB/CBB

200 Feet

100

200

0

**PUBLIC HEARING  
AND  
FIRST READING  
OF  
ORDINANCES**

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM**  
**12-35**

DATE: September 28, 2012

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director *KB*

FROM: Monica Austin Carroll, Community Development Division Manager *MAC*

SUBJECT: **Request to Rezone area between South Illinois Avenue, Ivanhoe Road, Raleigh Road, Robertsville Road, and Oak Ridge Turnpike from R-1-C MDO, One Family Residential, R-2 MDO, Low Density Residential, and O-2, Office to UB-2 Unified General Business with a Planned Unit Development (PUD) Overlay and approval of the Preliminary PUD Master Plan**

An item for the City Council agenda is a request to rezone the area between South Illinois Avenue, Ivanhoe Road, Raleigh Road, Robertsville Road, and Oak Ridge Turnpike. The request is to rezone the property from R-1-C within the Manhattan District Overlay (MDO), One Family Residential, R-2 MDO, Low Density Residential, and O-2, Office to UB-2 Unified General Business with a Planned Unit Development (PUD) Overlay. The area to be rezoned consists of 57 parcels of land: 47 residential parcels zoned R-1-C MDO; 5 parcels zoned R-2 MDO; and 5 parcels zoned O-2. The site has an approximately 24.68 acres. The rezoning is being requested for a retail shopping center with outparcels. At their regular meeting on September 27, 2012, the Planning Commission recommended approval of the rezoning by a vote of 10 - 0. The traffic impact study (TIS) has been reviewed by Steve Byrd, City Engineer, and the Traffic Safety Advisory Board (TSAB). At their meeting on September 18, 2012, TSAB recommended approval of the TIS by a vote of 6-0.

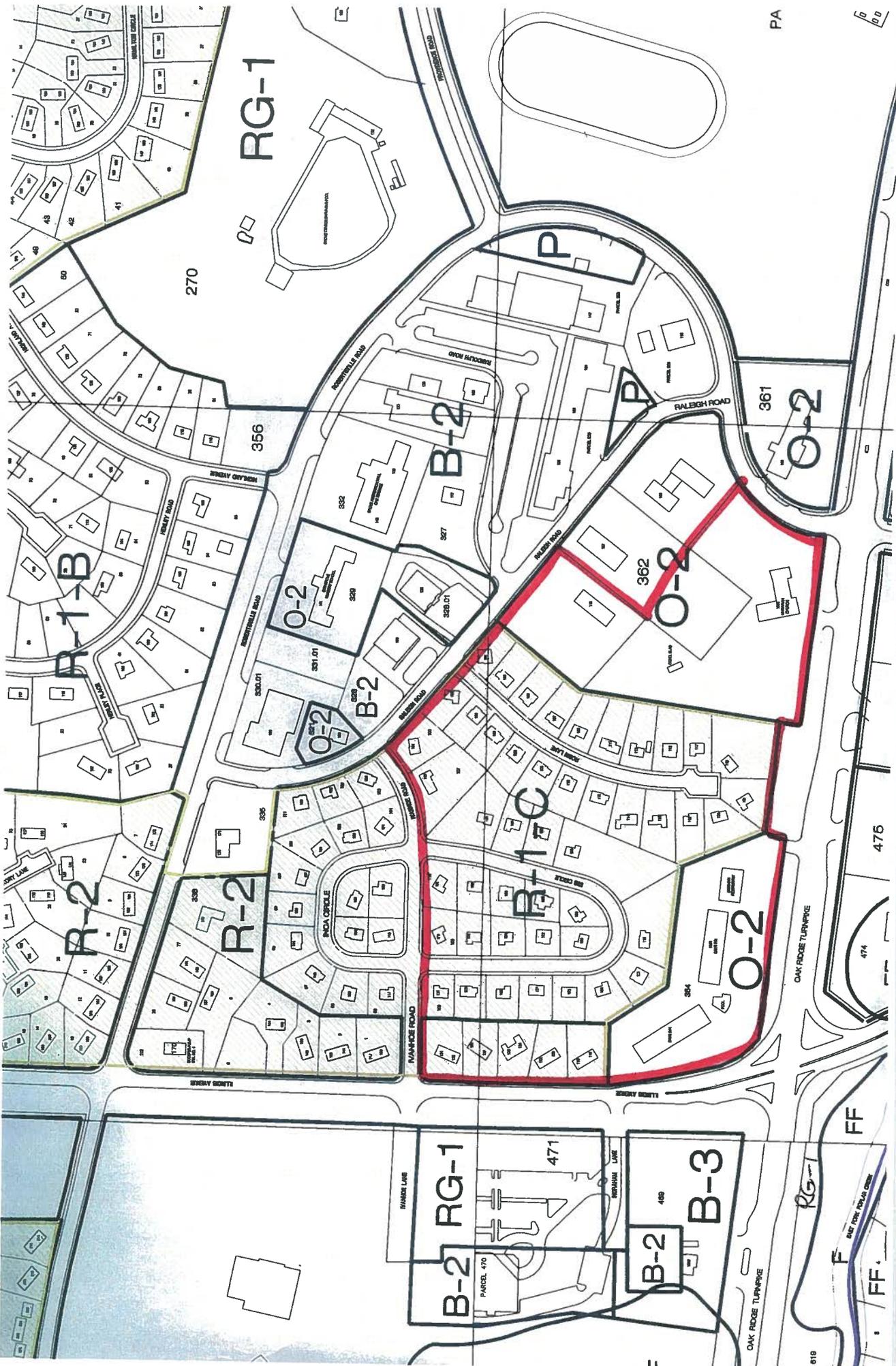
The proposed zoning is consistent with the Comprehensive Plan policies to support the development of retail sales as an important component of the Oak Ridge economic development strategy, particularly in the city center. The assembled properties are centrally located at the intersection of two (2) major state highways that bisect the City. Land uses in the area are mixed and consist of residential, office/institutional and retail businesses. The staff finds the rezoning to be in compliance with the Comprehensive Plan policy of encouraging retail development on arterial streets located in the central area of the city that is compatible with surrounding development and capable of being adequately served by utilities.

Another item for City Council is the request to approve the Preliminary PUD Master Plan for the Kroger Marketplace Shopping Center. The Planning Commission also recommended approval of the Preliminary PUD Master Plan for the Kroger Marketplace Shopping Center by a vote of 10 - 0 contingent upon addressing the building materials on the Kroger building and outparcels by excluding standard concrete block and vinyl siding as allowable building materials; postponed the requirement for a survey until the site plan review process; granted a variance to accommodate architectural features that extend an additional three (3) feet for two (2) corner features, 6'6" for one (1) architectural feature, and 11'7" for the primary architectural feature at the main entrance; and granted a variance to allow outdoor merchandising in the parking area and sidewalk as it relates to seasonal items, produce, floral and garden or other outdoor goods, as well as occasional short-term charitable events which are to be located in front of the Kroger building between the main entrances.

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

*Mark S. Watson* *10/2/2012*  
Mark S. Watson Date



PA

0 0 0

KROGER MARKETPLACE REZONING  
 REQUEST REZONING TO UB-2/PUD

618

## Staff Review of Rezoning Request

**Location & Approximate Area:** The area to be rezoned consists of 57 parcels of land; 47 residential parcels zoned R-1-C within the Manhattan District Overlay (MDO); 5 parcels zoned R-2/MDO and 5 parcels zoned O-2. The area proposed for rezoning lies between Illinois Avenue, Oak Ridge Turnpike, Robertsville Road, Raleigh Road and Ivanhoe Road. The site has an approximate area of 24.68 acres.

**Date:** September 20, 2012

**Owners:** 56 Properties Under Contract for Sale  
See attached list  
Unitarian Church may be included

**Applicant:** The Kroger Company  
Paul Xhajanka  
Real Estate Manager  
2175 Parklake Drive NE  
Atlanta, GA 30345

### **Request Rezoning**

**From:** R-1-C/MDO, One-Family Residential, R-2/MDO, Low-Density Residential and O-2, Office

**To:** UB-2, Unified General Business with a Planned Unit Development (PUD) overlay.

### **Site Characteristics:**

Developed property with streets, single-family and duplex housing units, two hotels, a restaurant, a daycare, property behind a union hall, and possibly a church property.

### **Adjacent Land Uses & Zoning:**

**North:** Single-family residences zoned R-1-C, One-family Residential in the Manhattan District Overlay zone, Duplex units zoned R-2, Low Density Residential in the Manhattan District Overlay. Across Raleigh Road there are businesses zoned B-2, General Business, and O-2, Office, including Grove Center shopping center.

**West:** Across Illinois Avenue, vacant lot zoned B-3, Roadside Business and B-2, General Business and church zoned RG-1, Residential, Open Space and Reserved and B-2, General Business.

**South:** Across Oak Ridge Turnpike, car dealership zoned B-3, Roadside Business.

**East:** Church or churches zoned O-2, Office. Across Robertsville Road, Oak Ridge Visitor's Bureau zoned O-2, Office.

**Previous Rezoning Requests:** None

### **Background:**

**Purpose:** The rezoning is requested to allow a shopping center anchored by Kroger and outparcels for future development.

### **Conformity with 1988 Comprehensive Plan:**

- a. Land Use Plan: The Land Use Plan map designates the area proposed for rezoning as R, Residential in the area of Iris Circle and Robin Lane; O, Office in the area between

the lots on Robin Lane, Raleigh Road and Robertsville Road; and B, General Business on the corner of Illinois Avenue and Oak Ridge Turnpike. If rezoned, the Land Use Plan map will need to be amended to conform to the zoning.

b. Applicable Policies:

Policy L-7: To the extent possible, commercial development that is located along Oak Ridge's arterial streets will be in unified centers with shared access to those roadways.

Policy L-8: The City will promote the location of intensively-designed retail, service, office, hotel, multiple-family residential and civic activities in the Turnpike-Illinois-Rutgers vicinity and in the Jackson Square - Jackson Plaza vicinity while allowing appropriately located and designed neighborhood shopping centers.

Policy L-9: The City will also allow community scale retail development on appropriately zoned sites having good traffic access and proper buffering from residential areas.

Policy L-11: The City will locate new industrial and office areas and enforce site design standards to ensure that residential neighborhoods are protected from the adverse effects of those activities.

Policy L-14: The City will attempt to create a dominant city center which is visually and psychologically strong through the encouragement of retail, office, hotel, and restaurant development, high-density housing, major public facilities, public gathering spaces, pedestrian and bicyclist paths, and landscaping.

Policy L-18: In all retail centers, the City will promote designs which emphasizes pedestrian amenities, human scale, abundant landscaping, and distinctive architecture.

**Analysis:**

The following criteria were used to evaluate the rezoning request:

1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**

The proposed zoning will require amendment of the Land Use Plan map; however, the proposed development is consistent with the Comprehensive Plan policies to support the development of retail sales as an important component of the Oak Ridge economic development strategy, particularly in the city center. When the Comprehensive Plan was last updated, even before Turkey Creek was developed, it was stated "It is apparent that Oak Ridge has leakage in retail sales and that some of the prime shopping center sales dollars are being spent elsewhere." The Comprehensive Plan policies listed above support zoning that will allow the development of a well-planned unified retail center located at the intersection of the the two major thoroughfares as part of the city's effort to create a

commercial center that provides diverse shopping opportunities in an attractive setting.

2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning?**

The business properties at the corner of Oak Ridge Turnpike and Illinois Avenue are prime for redevelopment with one hotel already closed. The applicant has obtained sales options with the property owners in the area.

3) **Is the character of the area suitable for the uses permitted in the proposed zoning district, and is the proposed zoning district compatible with surrounding zoning and uses?**

Yes. The assembled property is centrally located at the intersection of two major state highways that bisect the city. The area between Robertsville Road, Illinois Avenue and Oak Ridge Turnpike is an area of mixed uses including residential, office/institutional and retail businesses in the Grove Center shopping area. The residential area proposed for rezoning is surrounded by non-residential uses and commercial zoning on three sides. The proposed shopping center will be located south of Ivanhoe Road and will not be immediately adjacent any residential lots.

4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**

No. The proposed rezoning will result in commercial zoning similar to districts directly across from the subject property on Illinois Avenue, Oak Ridge Turnpike, and Raleigh Road.

5) **Are public facilities and services adequate to accommodate the proposed zoning district?**

Public utilities and road capacity are adequate.

6) **Would the requested rezoning have environmental impacts?**

Environmental impacts are minimal. This is a previously developed area. The primary impact will be removal of vegetation and an increase in impermeable area. Increased storm water run-off will be detained on site.

**Neighborhood Position:** Response has primarily been positive; however, concerns have been expressed regarding traffic, particularly truck routes, noise caused by trucks, and safety concerns related to traffic congestion.

**Landscaping/Buffering requirements:** If new construction occurs, at least 20% of the site must remain in green space. A vegetative streetscape will be created along all street frontage areas between the parking lot and front lot lines. Heavy landscape buffers are required to further separate residential neighborhoods in addition to screening of nuisance areas. Additional landscaping requirements of the PUD plan must be met.

**Notification of Property Owners Within 200':** September 7, 2012

**Rezoning signs posted:** September 19, 2012

**Conclusion and Planning Staff Recommendation:** Staff recommends approval of the rezoning request, finding the request in compliance with Comprehensive Plan policies of encouraging retail development on arterial streets located in the central area of the city, compatible with surrounding development and capable of being adequately served by utilities.

**Planning Commission Recommendation: September 27, 2012:**

**COMMUNITY DEVELOPMENT DEPARTMENT  
MEMORANDUM**

**TO:** Planning Commission

**FROM:** Monica Austin Carroll, AICP *mac*  
Community Development Division Manager

**DATE:** September 20, 2012

**SUBJECT:** Kroger Marketplace Shopping Center

**Preliminary PUD Master Plan, Kroger Marketplace Shopping Center, area between Raleigh Road, South Illinois Avenue, Oak Ridge Turnpike and Ivanhoe Road, Zoned UB-2 PUD**

Staff recommends approval subject to the following comments.

**Planning Department**

1. Need to provide a note indicating whether or not there are any Floodway or Floodway Fringe boundaries. These boundaries must be verified by field surveys with a note stating such and referencing the FIRM panel numbers during the site plan submittal.
2. Need to correct the acreage on Plan CPs – 8.5.
3. Need to include the name of adjacent property owners or the parcel id on the plan.
4. Note #14 needs to be addressed. Per Section 9.05 (w) Nonresidential Development Standards c. Use Permitted to Be Noted on Master Plan “uses permitted within any commercial PUD along with the approved list of alternative land uses shall be indicated on the Master Plan. Any limitation of use made part of the approved Master Plan shall be noted along with the uses permitted.”
5. Need to include the setbacks on the plan. Note #18 needs to be updated.
6. Need the survey to show the boundary and description of the tract to be developed including all existing property lines. The survey also needs to show physical features in or adjoining the project including streets, structures, waterways, sinkholes, wetlands, hillside areas, utilities, and easements.
7. Need to include a copy of the covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings, and structures including proposed easements for public utilities, drainage ways and common open space.
8. Per Section 9.05 (w) Nonresidential Development Standards 3. General Development Standards d. Outdoor Storage or Activities “Unless otherwise specified in the approved Master Plan for the commercial PUD, all outdoor storage facilities and outdoor sales activities are prohibited in any

commercial PUD district. This provision shall not be construed to exclude seasonal displays and short-term charitable events of no more than 90 days duration.”

### **Public Works Comments**

1. In the Traffic Impact Study (TIS) beginning on page 40 under Recommendations for Lane Geometrics and Traffic Control for Alternate 1 and Alternate 2 there are recommended site improvements listed that need to be memorialized on the Master Plan.
2. Under Alternate 1 of the TIS there is a recommendation to widen Robertsville Road to provide an exclusive left-turn lane in both directions between Oak Ridge Turnpike and the Kroger proposed access to Robertsville Road. The street widening and the new lane configuration need to be shown on the Master Plan.
3. Under Alternate 2 of the TIS there is a recommendation to eliminate the “sweeping” right-turn in/out lanes at the Turnpike intersection and to bring the lanes up to the intersection. Shown the new configuration on the Master Plan.
4. It is recommended that a note be placed on the Master Plan that states that the ingress/egress for all out parcels shall be internal to the site with no direct access to Oak Ridge Turnpike, Illinois Avenue and Robertsville Road.
5. Show the relocation of sidewalks on Illinois Avenue and the Turnpike that are required due to proposed improvements.
6. It appears that there is a new proposed sidewalk on Ivanhoe Road. A sidewalk on the north side of Ivanhoe would better serve the school children activity and would position them better to cross Illinois Avenue.
7. Please consider internal delivery truck routes in lieu of the proposed route along Robertsville Road and Raleigh Road.

### **Electric Department**

1. Addressing any conflicts that the survey shows between existing CORED facilities & easements and proposed facilities/improvements.
2. Addressing the following comments by making changes on the plat
  - 1) When the survey becomes available, show the existing electrical infrastructure and all related easements. **All infrastructure and easements will not be removed.** Update the comments on the plat to reflect that all easements and infrastructure will not be removed. There are electrical facilities along all of the boundaries. Some of these facilities will remain intact along with the related easements. These facilities include underground (ug) electrical along ORTP, ug and overhead (oh) along Illinois Avenue, and oh along Robertsville Rd., Raleigh Rd., Ivanhoe Rd. and Inca Circle. The addition of poles and down guys on Inca Circle will be necessary to "dead-end" the electrical feeds for Inca Circle. Depending on the lay-out, additional poles and down guys may be necessary.
  - 2) Modify the Electric Department Checklist Note #6, part 1 on the plat to reflect the standard note from the checksheet. Landscaping must comply with CORED Standard 650.

- 3) Remove the *responses* to the checklist as they are not required on the plat and are not accurate, OR change the responses.

**Informational Comments:**

1. Until the existing infrastructure is shown, CORED is unable to determine if the requested variances will impact electrical facilities, possibly resulting in required relocations. Any request to relocate existing electrical facilities shall be paid by the requesting party. The party will also be responsible for surveying and recording any easements required for relocated facilities. also be responsible for surveying and recording any easements required for relocated facilities.
2. CORED encourages a formal design meeting between the developer's engineers and CORED engineering staff. CORED will be happy to review drafts of the proposed electric layout prior to plan submission, hopefully resulting in a quick turn-around.

**Additional Comments**

- Need to provide details for the allowable building materials for outparcels.

**Variance Requests**

- The applicant is requesting a variance to accommodate architectural features that extend an additional three (3) feet for two (2) corner features, 6' 6" for one (1) architectural feature, and 11' 7" for the primary architectural feature at the main entrance.

**Staff comments:** Planning staff would recommend approval of this request to allow for the architectural features to exceed the maximum height of 35 feet. We would recommend that the variance is for the main Kroger building only and would not apply to the other buildings located within this development.

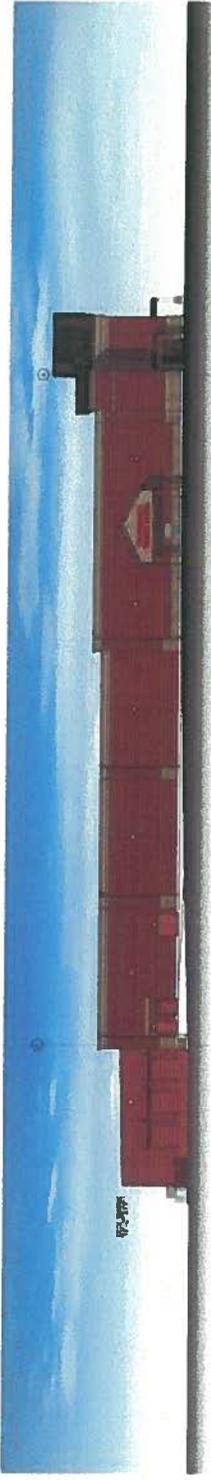
- Request to allow outdoor merchandising in the parking area and sidewalk as it relates to seasonal items, produce, floral and garden or other outdoor goods, as well as occasional short-term charitable events which are to be located in front of the Kroger building between the main entrances.

**Staff comments:** Staff would recommend that the parking area to be utilized be delineated on the master plan. Also need to include whether or not this is applicable for outparcels.





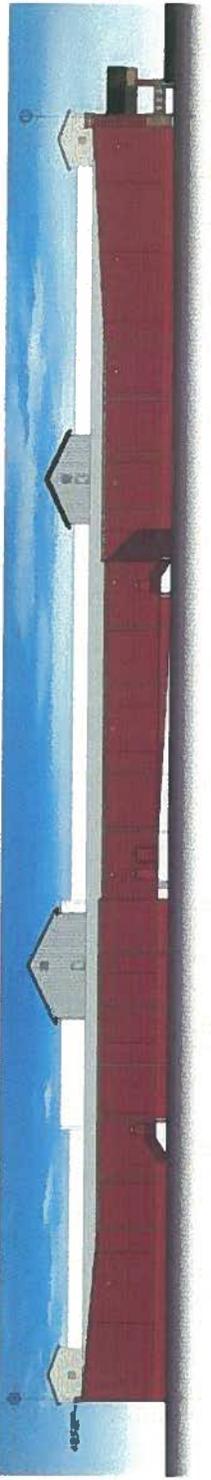
FRONT ELEVATION



LEFT ELEVATION



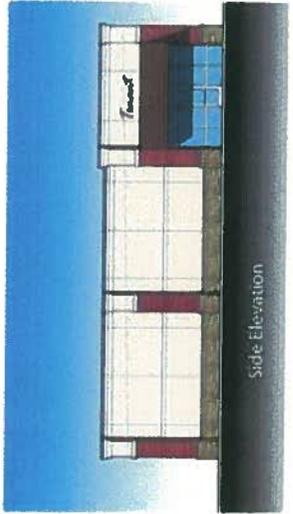
RIGHT ELEVATION



REAR ELEVATION



Project: CA-000/Club House, TX  
 Location: Houston, TX  
 Architect: PRO  
 Project #: 12-000  
 Date: 08-24-13



Side Elevation



Side Elevation



Front Elevation

**Shops @ Kroger GA.690 - Oak Ridge, TN**

**CONCEPTUAL ELEVATIONS**

**Robertson Lois Roof**

10000 1/2 1/2 1/2 1/2  
 2000 Dalton Ridge Road Suite 275  
 Marietta, GA 30067 (770) 201-2400  
 Fax: (770) 201-2400  
 Web: www.roof.com



**TITLE**

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-1-C MDO, ONE-FAMILY RESIDENTIAL MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; PARCELS 13 AND 15 AND A PORTION OF PARCEL 14, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 58-59, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM O-2, OFFICE, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND PARCELS 53-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-2 MDO, LOW DENSITY RESIDENTIAL MANHATTAN DISTRICT OVERLAY TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE TENNESSEE:

Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 16-37, Anderson County Tax Map 099K, Group B (± 5.59 Acres)	100-121 Robin Lane	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 30 and 33-52, Anderson County Tax Map 099K, Group C (± 5.299 Acres)	101-109, 117, 119-127, 129 and 131 Iris Circle	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 28-29 and 31-32, Anderson County Tax Map 099K, Group C (± 1.25 Acres)	101, 103, 107 and 109 Ivanhoe Road	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)

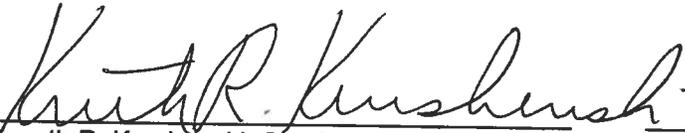
<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 53-57 Anderson County Tax Map 099K, Group C (± 1.58 Acres)	116, 120, 124, 128 and 132 Illinois Avenue	R-2 MDO, Low Density Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 58-59, Anderson County Tax Map 099K, Group C (± 3.303 Acres)	1590 Oak Ridge Turnpike	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcel 13, Anderson County Tax Map 099K Group B (± 3.63 Acres)	1500 Oak Ridge Turnpike	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
A portion of Parcel 14, Anderson County Tax Map 099K, Group B (± 0.84 Acres)	133 Raleigh Road (back portion)	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcel 15, Anderson County Tax Map 099K Group B (± 1.45 Acres)	113 Raleigh Road	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)

Section 2. The changes shall be imposed upon said map and shall be as much a part of Ordinance No. 2 as if fully described therein.

Section 3. The Planned Unit Development Preliminary Master Plan for said parcels, as approved by the Oak Ridge Municipal Planning Commission on September 27, 2012, is hereby approved.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

Public Hearing: 10/08/2012  
Publication Date: 09/21/2012  
First Reading: 10/08/2012  
Publication Date: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Diana R. Stanley, City Clerk

**COMMUNITY DEVELOPMENT MEMORANDUM  
CODE ENFORCEMENT DIVISION  
12-34**

DATE: September 28, 2012

TO: Mark Watson, City Manager *MW*

THROUGH: Kathryn G. Baldwin, Community Development Director *KGB*

FROM: Denny J. Boss, Code Enforcement Supervisor *Boss*

RE: **ORDINANCE AMENDMENTS TO ADOPT NEW CODES**

Items for the agenda are four (4) ordinance amendments to the City Code to continue to maintain compliance with the requirements of the State.

Code Edition Adoption

The State of Tennessee Department of Commerce and Insurance, Division of Fire Prevention has noted that cities may be seven (7) years behind the most current edition of the building and fire codes available. Currently, the City of Oak Ridge utilizes the following code editions:

- 2006 International Building Code (IBC)
- 2006 International Residential Code (IRC)
- 2006 International Mechanical Code (IMC) (for reference only)

Several organizations encourage the adoption and enforcements of the most current codes, including: the International Code Council (ICC), the National Fire Protection Association (NFPA), the Insurance Services Organization (ISO) administrators of the Building Code Effective Grading System (BCEGS). City Staff is recommending the adoption of the following codes for compliance:

- 2012 International Building Code (IBC)
- 2012 International Residential Code (IRC)
- 2012 International Mechanical Code (IMC)

Previously the International Mechanical Code was used for reference only but it is now a requirement of the State of Tennessee. In addition, all cities in our region, and across the state, have the same state requirements and are in the process of adoption or planning for adoption. The adoption of the Mechanical Code is the first step in the process of implementing the requirements of the State of TN to establish a mechanical permitting and inspection process.

Some significant changes to the IBC are: added requirement for carbon monoxide alarm, additional requirements for exit signs, and all definitions moved to Chapter 2.

Some significant changes to the IRC are: allows smoke detectors to be wireless, added requirement for carbon monoxide alarms, and added clarification as to how to measure the window opening for egress windows.

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. This will provide staff adequate time to schedule meetings with our development community and local contractors. This time will be used to share information and provide training to ensure a clear understanding of the revised code standards, and offer staff assistance during initial implementation.

Adoption of the codes will provide a mechanism to ensure the most efficient and effective methods of creating a safe, sustainable, and efficient community for residents, while maintaining compliance with the State of Tennessee.

Amendment to the Trade Licensing Board

With the adoption of the new International Mechanical Code, 2012 edition, the City will need to designate two (2) members on the Trade Licensing Board as mechanical license holders, thus changing the membership composition to two electricians, two plumbers, two mechanics, and one at large member.

In the event that the applicants seeking membership to the Board do not possess a current and valid mechanical license from the City of Oak Ridge, City Council may choose to select the most qualified individual from the public at large.

The City Clerk has been notified about this proposed change in membership so as to plan for the end of year election, and has adjusted the special qualifications accordingly in the Election Notice for the Board since the two (2) seats were originally for the public at large.

City staff recommends approval of the attached four (4) ordinances.

Attachments

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

 10/2/2012

Mark Watson

Date

**CODES TO BE CONSIDERED FOR FIRST READING BY CITY COUNCIL  
OCTOBER 8, 2012**

The following codes are scheduled for first reading by City Council on October 8, 2012.

2012 International Building Code  
(Current version: 2006 International Building Code)

2012 International Residential Code  
(Current version: 2006 International Residential Code)

2012 International Mechanical Code  
(Current version: None, it was deleted in 2008)

A bold/strikethrough of each code is attached to show the changes in the City Code from the existing codes to the new codes. While some have a few changes, it was decided to go ahead and replace the entire chapters so that it would be easier for MTAS to update the codes and give less opportunity for errors.

Title 12  
Building, Utility, Etc. Codes

Chapter 2  
Building Code

Sec. 12-201. International Building Code adopted.

The International Building Code, ~~2006~~ 2012 edition, including Appendices A, C, F, G, H and K, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Sec. 12-202. Amendments.

- (1) Generally. The building code and the appendices adopted by § 12-201 are hereby amended as set out in this section. All references to section numbers in the text of this section shall be considered as if followed by the words "of the building code," unless clearly indicated to the contrary. In all places where the building code requires the insertion of the jurisdiction name, the City of Oak Ridge, Tennessee, shall be inserted.
- (2) Titles and designations. Titles and designations used in the building code shall be changed to conform with the proper city titles and departments as follows:
  - (a) "Building official" shall mean the City Manager or the City Manager's designee.
  - (b) "Board of appeals" shall mean the City's Board of Building and Housing Code Appeals.
  - (c) "Chief appointing authority" shall mean City Manager.
  - (d) "Department of law" shall mean City Attorney.
- (3) Appendix H. Appendix H is hereby amended as follows:
  - (a) Section H101.2, Signs exempt from permits. Delete subsection 1 in its entirety.
  - (b) Section H102.1, General. Delete the definitions for "Ground Sign" and "Roof Sign" in their entirety.
  - (c) Section H104, Identification. Section H104 is hereby deleted in its entirety.
  - (d) Section H105.2 Permits, drawings and specifications. In the first sentence, delete the word "shall" and replace with "may."
  - (e) Section H110, Roof Signs. Section H110 is hereby deleted in its entirety.
  - (f) Section H114.1, General. In the first sentence, delete the word "roof."
- (4) Section 103.1, Creation of enforcement agency. Section 103.1 is hereby deleted in its entirety and is replaced with the following:

Section 103.1, Building Official. The provisions of this code shall be enforced by the Building Official.

(5) Section 105.2, Work exempt from permit. This section is hereby amended by deleting all items listed under the heading "Building," except for items numbered 7, 11 and 13, which shall remain in their entirety.

(6) Section 105, Permits. Section 105 is hereby amended by adding the following new subsections:

(a) Section ~~405.7~~ 105.8, Contractor License. It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required in the city and every contractor or builder making such contracts, and subletting the same, or any part thereof, to pay a privilege license tax as provided by ordinance and to register his or her name in a book provided for the purpose with the code enforcement administrator, giving full name, residence, and place of business, and in case of removal from one place to another in the city to have made corresponding change in said register accordingly.

(b) Section ~~405.8~~ 105.9, Liability Insurance. Any contractor doing work requiring a city building permit shall present evidence of liability insurance with coverage in an amount acceptable to the city manager.

(c) Section ~~405.9~~ 105.10, Workers' Compensation Insurance. Any contractor doing work requiring a city building permit shall present evidence of workers' compensation insurance in compliance with state regulations.

(7) Section ~~406.2~~ 107.2, Site plan. Section ~~406.2~~ 107.2 is hereby amended by inserting the following sentence in between the first and second sentences:

The building official may require a boundary line survey prepared by a licensed land surveyor. Such boundary line survey may be required after the footers or foundation is in place, in which case it shall show the location of the footers or foundation in relation to required setback requirements.

~~(8) Section 109.3.7, Energy efficiency inspections. Section 109.3.7 is hereby amended by changing the word "shall" to "may" in both instances.~~

~~(9 8) Section ~~442.4~~ 113.1, Generally.~~ Section ~~442.4~~ 113.1 is hereby deleted in its entirety and replaced with the following:

The board of appeals shall hear all appeals provided for in this chapter in accordance with rules and regulations established by such board for such appeals, which rules and regulations shall not be inconsistent with the provisions of this code. The board shall meet at such regular intervals as determined necessary by the board, but shall meet within fifteen (15) days after a notice of appeal under this chapter has been received. Every decision shall be promptly filed in writing in the office of the code enforcement administrator, and shall be open to public inspection, and a copy shall be mailed to the appellant at the address contained in the notice of appeal.

The provisions of this section shall become effective August 1, 1991.

- (10 9) Section 442-2 113.2, Limitations on authority. Section 442-2 113.2 is hereby amended by adding the following to the end of the section:

Notice of appeal shall be in writing and filed within sixty (60) days after the decision is rendered by the Building Official and/or the Fire Official. The required fee established by City policy shall accompany such notice of appeal.

- (11 10) Section 442 113, Board of Appeals. Section 442 113 is hereby amended by adding the following new subsections:

- (a) Section 442-4 113.4, Unsafe or Dangerous Building. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the board may on request of the Building Official shorten the time for appeal.
- (b) Section 442-5 113.5, Appeals from Fire, Plumbing, Electrical and Property Maintenance Inspectors' Decision. The board of appeals shall act as the board which hears appeals from the decisions of the fire inspector on interpretations of the fire code, the electrical inspector on interpretations of the electric code, the plumbing inspector on the plumbing code, and the property maintenance inspector on the property maintenance code, as well as acting as the appeals board under this code.
- (c) Section 442-6 113.6, Variances. The board of appeals, when appealed to and after a hearing, may vary the application of any provision of the fire code, electrical code, plumbing code, property maintenance code, and this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of that particular code, or when the interpretation of the Building Official, the Fire Official, the electrical inspector, the property maintenance inspector, or the plumbing inspector should be modified or reversed, provided, however, the board of appeals also finds all of the following:
1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
  2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
  3. That granting the variance requested will not confer on the applicant any special privilege that is denied to other buildings, structures or service systems.
  4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
  5. That the grant of the variance will be in harmony with the general intent and purpose of the adopted code and will not be detrimental to the public health, safety and general welfare.
- (d) Section 442-7 113.7, Action. The board of appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. If the decision be to vary or modify the application of the building, fire, electric, plumbing or property maintenance code, or if it varies or modifies an order of the Building Official, Fire Official, or the plumbing, electrical, or property maintenance inspector, the

board's decision shall indicate how the variation or modification is made and any condition on which it is made. All decisions shall indicate the reasons therefor.

- (e) Section ~~112.8~~ 113.8. Decisions are final. Every decision of the board of appeals shall be final, subject, however, to such remedy as any aggrieved party might have in law or at equity.

- (~~12~~ 11) Section ~~113.4~~ 114.4. Violation penalties. Section ~~113.4~~ 114.4 is hereby deleted in its entirety and replaced with the following:

Any person, firm, corporation, or agent who shall violate any provisions of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, or who shall fail to comply with such an order as affirmed or modified by the city court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- (~~43~~ 12) Section 903. Automatic Sprinkler Systems. This section is hereby amended as follows:

- (a) The square footage amounts referred to in certain sections of Section 903 are hereby deleted and replaced as follows:
- (1) In Sections 903.2.1.1, 903.2.1.3, 903.2.1.4, ~~903.2.8.1~~ **903.2.9.1**, and ~~903.2.8.2~~ **903.2.9.2** (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.
  - (2) In Sections ~~903.2.3~~ **903.2.4**, ~~903.2.6~~ **903.2.7**, and ~~903.2.8~~ **903.2.9** (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000, and replace the number 24,000 with the number 20,000.
  - (3) In Section ~~903.2.2~~ **903.2.3** (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 20,000 with the number 10,000.
- (b) Section ~~903.2.14~~ 903.2.13. Additional Sprinkler Requirements.
- (1) Sprinkler system in new construction. Except where more stringent requirements are stipulated elsewhere in the building code, all new commercial and residential buildings of ten thousand (10,000) square feet or more shall be equipped with an approved automatic sprinkler system.
  - (2) Sprinkler system in large additions to buildings. Any new addition, which is more than ten thousand (10,000) square feet, connected to an existing building of any size, shall be equipped with an approved automatic fire sprinkler system. The new addition shall either:

- (a) Be separated from the existing building by two-hour or greater construction, or
  - (b) Have the sprinkler system extend to cover the existing construction as well as the new addition
- (3) Sprinkler system in small additions to buildings. Any new addition of more than five thousand (5,000) square feet but less than ten thousand (10,000) square feet that does not increase the size of the complete facility (existing plus new addition) to more than ten thousand (10,000) square feet shall be equipped with a complete automatic fire detection system or fire sprinkler system. The new addition with the automatic fire detection or fire sprinkler system installed shall either:
- (a) Be separated from the existing building by two-hour or greater construction, or
  - (b) Have the fire detection or fire sprinkler system extend to cover the existing construction as well as the new addition.
- (4) Sprinkler system in additions to unsprinklered buildings. Any new addition that will increase the size of the complete facility (existing building plus new addition) to more than ten thousand (10,000) square feet shall either:
- (a) Be separated from the existing construction by a non-penetrated, four-hour fire wall and have an automatic fire detection system installed in the new addition and the existing building; or
  - (b) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire detection system installed in both the new addition and the existing building; or
  - (c) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire sprinkler system installed in the new addition; or
  - (d) Have an automatic fire sprinkler system installed in the entire facility, both the new addition and the existing building.

The term "automatic fire sprinkler system" means a system meeting the requirements of the latest edition of the applicable National Fire Protection Association standard for the installation of sprinkler systems.

- (5) Fire sprinkler systems shall be installed when required by the City of Oak Ridge Standard Construction Requirements and Details, specifically Section 602(2), Adequate Fire Protection, which is reprinted here:

In any one or more of the conditions listed below, the developer or builder shall provide a means for adequate fire protection including but not limited to the installation of a domestic sprinkler system complying with applicable codes, the installation of an additional fire hydrant capable of supplying adequate flow, or the

installation of a booster pump to increase flow to an acceptable level at the structure.

- (a) Any part of the building is more than five hundred (500) feet from a hydrant measured along an accessible roadway; or
- (b) The nearest hydrant provides a water supply of less than five hundred (500) gpm in residential areas or one-thousand (1000) gpm in non-residential areas at twenty pounds per square inch residual pressure at periods of peak demand.
- (c) The elevation difference between the highest floor of the referenced structure and the nearest hydrant prevents adequate water flow and pressure for fire protection at that structure.

(6) Detection system or sprinkler system for smaller buildings. Except where more stringent requirements are stipulated in the building code, all buildings of greater than five thousand (5,000) square feet hereafter constructed shall be equipped with an automatic fire detection system, approved by the fire chief, using UL listed equipment, and monitored through an approved central station facility, or an approved automatic sprinkler system monitored as outlined above, except where four-hour non-penetrated fire walls divide the building into units of less than five thousand(5,000) square feet.

(7) Open parking garages, exception to sprinkler requirement.

- (a) Open parking garage shall mean a structure, or portion thereof, that is used for the parking or storage of private motor vehicles with openings described as follows:
  - (i) For natural ventilation purposes, the exterior side of the structure shall have uniformly distributed openings on two (2) or more sides. The area of such openings in exterior walls on a tier must be at least twenty percent (20%) of the total perimeter wall area of each tier. The aggregate length of the openings considered to be providing natural ventilation shall constitute a minimum of forty percent (40%) of the perimeter of the tier. Interior walls shall be at least twenty percent (20%) open with uniformly distributed openings.
  - (ii) Exception. Openings are not required to be distributed over forty percent (40%) of the building perimeter where the required openings are uniformly distributed over two opposing sides of the building.
- (b) An open parking garage shall not be required to be equipped with an approved automatic fire sprinkler system provided the following requirements are met:
  - (i) The open parking garage is above ground;

- (ii) No space for human occupancy shall be located below, within or above the open parking garage except as ancillary to the operation of the open parking garage;
  - (iii) Two (2) or more sides of the open parking garage shall be open and accessible to aerial fire apparatus;
  - (iv) Attached structure(s) shall be separated from the open parking garage by a wall with a minimum of a two-hour fire rating certified by a competent engineer;
  - (v) A standpipe system, meeting the requirements of NFPA 14, shall be provided with outlets no more than one hundred and thirty (130) feet from any point within the open parking garage;
  - (vi) A fire hydrant shall be provided within one hundred (100) feet of the fire department supply connection to the standpipe system; and
  - (vii) The open parking garage shall comply with all applicable requirements of the model codes adopted by the city.
- (c) Exception. If a model code adopted by the city requires the open parking garage to be equipped with an approved automatic sprinkler system, the provisions of this section shall not apply and the open parking garage shall be equipped with an approved automatic sprinkler system.

(14 13) ~~Section 4013.1~~ **1013.2, Where required.** Section ~~4013.1~~ **1013.2** is amended by deleting the first sentence and replacing it with the following sentence:

Guards shall be located along open-sided walking surfaces or ground surfaces, mezzanines, industrial equipment platforms, retaining walls, stairways, ramps, landings and any other locations that are located more than 30inches (762mm) above the floor or grade below.

(14) **Chapter 11 Accessibility is hereby deleted in its entirety.**

(15) **Section 1612.3, Establishment of flood hazard areas.** Section 1612.3 is hereby amended to specify the City has two flood insurance studies which are as follows: Flood Insurance Study for Anderson County, Tennessee, and Incorporated Areas, effective January 17, 2007, and Flood Insurance Study for Roane County, Tennessee, and Incorporated Areas, effective September 28, 2007.

~~(16) Section 1704.1, General. Section 1704.1 is hereby amended by replacing the word "shall" with "may be required" in the first sentence.~~

~~(17) Section 1704.1, General, Exception 2. Section 1704.1, Exception 2, is hereby amended by adding the phrase "Unless otherwise required by the building official," at the beginning of the first sentence.~~

~~(16)~~ **Section 3410.2, Applicability.** Section 3410.2 is hereby amended by inserting the required date as "the date of the adoption of the first building code regulations in the City of Oak Ridge, Tennessee."

**Sec. 12-203. Manufactured Homes.**

- (1) **Defined.** A manufactured home is a residential dwelling unit which:
  - (a) Contains one thousand (1,000) or more square feet of living space;
  - (b) Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant;
  - (c) Is transported to the homesite on its own chassis;
  - (d) Was constructed after June 1, 1976 and meets or exceeds construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction;
  - (e) Has a length not exceeding four (4) times its width; and
  - (f) Has a width of at least twenty (20) feet.
  
- (2) **Standards.** Manufactured homes shall comply with the Federal "Manufactured Home Construction and Safety Standards" dated August 11, 1987, including any subsequent revisions or amendments thereto, and shall comply with the following provisions:
  - (a) The pitch of the roof shall have a minimum vertical rise of two and two-tenths (2.2) feet for each twelve (12) feet of horizontal run and the finish shall be with a type of shingle commonly used in standard residential construction.
  - (b) The exterior siding shall consist predominantly of vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
  - (c) The home shall be installed on a permanent foundation system in accordance with all applicable requirements of the building code.
  - (d) Stairs, porches, entrances, platforms and other means of entrance and exit to the home shall be installed and constructed in accordance with the building code.
  - (e) The moving hitch, wheels and axles, and transporting lights shall be removed.
  - (f) All utilities shall be permanently connected to a public utility system in accordance with all applicable city codes, provided an approved septic tank is acceptable where public sewer is not available.
  - (g) A manufactured home unit shall bear the label or seal of compliance with the Federal Manufactured Home Construction and Safety Standards issued by an agency approved by the Secretary of the Department of Housing and Urban Development.

Title 12  
Building, Utility, Etc. Codes

Chapter 11  
Residential Code

Sec. 12-1101. International Residential Code Adopted.

The International Residential Code, ~~2006~~ **2012** edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail. This code shall only apply to new construction of one- and two-family dwellings as **outlined in Section R101.2**, ~~where initial construction begins~~ after adoption of this ordinance.

Sec. 12-1102. Amendments.

- (1) Generally. The International Residential Code is hereby amended as set out in this section. All references to section numbers in the text of this section shall be considered as if followed by the words "of the International Residential Code," unless clearly indicated to the contrary. In all places where the International Residential Code requires the insertion of the jurisdiction name, the City of Oak Ridge, Tennessee, shall be inserted.
- (2) Titles and designations. Titles and designations used in the International Residential Code shall be changed to conform with the proper city titles and departments as follows:
  - (a) "Building official" shall mean the City Manager or the City Manager's designee.
  - (b) "Board of appeals" shall mean the City's Board of Building and Housing Code Appeals.
  - (c) "Chief appointing authority" shall mean City Manager.
  - (d) "Department of law" shall mean City Attorney.
- (3) Section R103.1, Creation of enforcement agency. Section R103.1 is hereby deleted in its entirety.
- (4) Section R105.2, Work exempt from permit. Section R105.2 is hereby amended by deleting all items listed under the heading "Building," except for items numbered 6, 7, 8 and 9, which shall remain in their entirety.
- (5) Section R106.3.1, Approval of construction documents. Section R106.3.1 is hereby amended by changing the word "approval" to "review" and the word "approved" to "reviewed."
- (6) Section R106.3.2, Previous approvals. Section R106.3.2 is hereby amended by changing the word "approvals" to "reviews."
- (7) Section R106.3.3, Phased approval. Section R106.3.3 is hereby amended by changing the word "approval" to "review."
- (8) Section R106.4, Amended construction documents. Section R106.4 is hereby amended by changing the word "approval" to "review" and the word "approved" to "reviewed."

- (9) Section R112, Board of Appeals. Section R112 is hereby deleted in its entirety.
- (10) Table R301.2(1) Climatic And Geographic Design Criteria.  
Insert "10 PSF" in the table for Ground Snow Load.  
Insert "90" in the table for Wind Speed.  
Insert "C" in the table for Seismic Design Category.  
Insert "Severe" in the table for Weathering.  
Insert "≥ 12 inches" in the table for Frost Line Depth.  
Insert "Moderate to heavy" in the chart for Termite.  
Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.  
Insert "No" in the table for Ice Barrier Underlayment Required.  
Insert "Anderson County, Tennessee and incorporated areas effective 01-17-07 and Roane County, Tennessee and incorporated areas effective 09-28-07" in the table for Flood Hazards.  
Insert "250" in the table for Air Freezing Index.  
Insert "60" in the table for Mean Annual Temp.
- (11) Section R302.2 Townhouses. In the exception change the 1-hour to 2-hour.
- (12) Section R302.6 Dwelling/garage fire separation. In Table 302.6 change 5/8" type X to 1/2".
- (13) Section R302.5.1 Opening Protection. In the last sentence put a period after fire-rated doors and delete the remaining text.
- (14) Section R311.7.9 Illumination. Change the section number referenced to R303.7
- (15) Section R313, Automatic Fire Sprinkler Systems. Section R313 is hereby deleted in its entirety.
- (16) Section R905.2.8.5 Drip edge is hereby deleted in its entirety.
- (17) Chapter 11 is hereby deleted in its entirety.
- (18) Chapter 24 is hereby deleted in its entirety.
- ~~(11) Figure R301.1(7) Component And Cladding Pressure Zones. Change the figure number from "R301.1(7)" to "R301.2(7)"~~
- ~~(12) Section R309.1.1, Duct penetration. Section R309.1.1 is hereby deleted in its entirety.~~
- ~~(13) Section R309.1.2, Other penetrations. Section R309.1.2 is hereby deleted in its entirety.~~
- ~~(14) Section R309.2, Separation required. Section R209.2 is hereby deleted in its entirety.~~
- ~~(15) Section R311.5.3.1, Riser height. Section R311.5.3.1 is hereby amended by adding the following sentence at the end of the section:~~
- ~~Treads and risers of stairs shall be so proportioned that the sum of two risers and one tread, exclusive of projection of nosing, is not less than 24 inches nor more than 25 inches.~~
- ~~(16) Section 311, Means of Egress. Section 311 is hereby amended by adding a new section as follows:~~

~~Section R311.5.8.2 Curved stairways. Curved stairways with winder treads shall have treads and risers in accordance with Section 311.5.3.~~

~~Exception: Curved stairways with an inside radius of more than 6 feet shall have a minimum tread depth of 10 inches at 12 inches in from the narrow end.~~

- ~~(17) Section R404.1 Concrete and masonry foundation walls. Section R404.1 is hereby amended by deleting the entire second paragraph, including items one through five.~~
- ~~(18) Table R404.1(1) Top Reactions and Prescriptive Support for Foundation Walls. Table R404.1(1) is hereby deleted in its entirety.~~
- ~~(19) Table R404.1(2) Maximum Plate Anchor Bolt Spacing for Supported Foundation Wall. Table R404.1(2) is hereby deleted in its entirety.~~
- ~~(20) Table R404.1(3) Maximum Aspect Ratio, LW for Unbalanced Foundations. Table R404.1(3) is hereby deleted in its entirety.~~
- ~~(21) Section R404.1.3, Design required. Section R404.1.3 is hereby amended by replacing the word "or" with "and" in item 2.~~
- ~~(22) Section R404, Foundation and Retaining Walls. Section 404 is hereby amended by adding the following new sections:~~

~~R404.1.3.1 Permanent lateral support for foundation and retaining walls. Masonry foundation walls shall be laterally supported in accordance with the applicable provisions of Chapter 6, Wall Construction, Sections R606, General Masonry Construction; R607, Unit Masonry; and R608, Multiple Wythe Masonry.~~

~~R404.1.3.2 Masonry and concrete foundation walls supporting less than four feet of unbalanced backfill. Where masonry or concrete foundation walls supporting less than four feet of unbalanced backfill do not extend and attach to the floor sheathing above, they shall be laterally braced at the top of the wall at intervals not to exceed four feet on center. Bracing shall be provided by the floor structural members where they are perpendicular to the wall and by blocking or bridging where the floor structural members are parallel to the wall. Such blocking or bridging shall be installed in the first two spaces between the floor structural members. For nominal "two by" lumber floor structural members the blocking shall be nominal "two by" solid full depth blocking the same size as the floor joists. For engineered floor structural members such as trusses or I-joists such blocking shall be in accordance with the manufacturers written instructions and shall be not less than a 2"x 4" diagonal brace connected to the sill plate on top of the wall and connected to the top of the first structural member and a 2"x 4" flat block connected to the top of the first and second structural members in line with the diagonal brace.~~

~~R404.1.3.3 Masonry and concrete foundation walls supporting four feet or more of unbalanced backfill. Where masonry or concrete foundation walls supporting four feet or more of unbalanced backfill do not extend and attach to the floor sheathing above, they shall be laterally braced at the top of the wall at intervals not to exceed two feet on center. Bracing shall be provided by the floor structural members where they are perpendicular to the wall and by blocking or bridging where the floor structural members are parallel to the wall. Such blocking or bridging shall be installed in the first three spaces between the floor structural members. For nominal "two by" lumber floor structural members the blocking shall be nominal "two by" solid full depth blocking the same size as the floor joists. For engineered floor structural members such as trusses or I-joists such blocking shall be in accordance with the manufacturers written instructions~~

and shall be not less than a 2"x 4" diagonal brace connected to the sill plate on top of the wall and connected to the top of the first structural member and a 2"x 4" flat block connected to the top of the first and second structural members in line with the diagonal brace.

~~R404.1.3.4 Lateral support for the bottom of masonry and concrete foundation walls. Where masonry or concrete foundation walls are required by Table R404.1.1(1), R404.1.1(2), R404.1.1(3), R404.1.1(4) or R404.1.1(5) to have vertical steel reinforcing, the bottom of the wall shall be laterally supported. Lateral support shall be provided by a full basement concrete slab floor a minimum of a 3 ½" thick poured tight against the bottom of the foundation walls with no compressible materials allowed for expansion or other purposes. If no floor slab is to be poured, such as in crawl spaces, lateral support of the bottom of the foundation wall shall be accomplished by embedding steel reinforcing in the foundation, which shall extend up into the wall and be tied to the wall reinforcing. This reinforcing shall be of the same size and spacing as is required for the wall.~~

- ~~(23) Section R613.2, Window sills. Section R613.2 is hereby deleted in its entirety.~~
- ~~(24) Table N1102.1 Insulation And Fenestration Requirements By Component In the row for climate zone "4 except Marine", change Ceiling R-Value from "R38" to "R-30" and change Floor R-Value from "R-19" to "R-13".~~
- ~~(25) Section N1103.2.1, Insulation. Section N1103.2.1 is hereby amended by changing "R-8" to "R-6" in the first sentence, and by deleting the second sentence in its entirety.~~
- ~~(26) Chapters 12 through 24 are hereby deleted in their entirety.~~
- (2719) Section P2603.6.1, Sewer depth. Section P2603.6.1 is hereby amended by inserting the number "twelve inches" in two places for the missing number.

Note: The current City Code printed and online edition shows the Residential Code as being in Chapter 12. The Residential Code was moved to Chapter 11 by adoption of Ordinance No. 4-11 when the Trade Licensing Board was created. The City's website has a link to that ordinance so the public has access to the correct chapter information.



Title 12  
Building, Utility, Etc. Codes

Chapter 10  
Mechanical Code

**Sec. 12-1001. International Mechanical Code Adopted.**

**The International Mechanical Code, 2012 edition, is hereby adopted by reference and shall become a part of the mechanical code as if copied herein verbatim, except as such code may be in conflict with other provisions of the mechanical code, in which event such other provisions shall prevail.**

**Sec. 12-1002. International Mechanical Code – Amendments.**

**The International Mechanical Code as adopted by §12-1005 is amended as set out in this section.**

**All references to section numbers in the text of this section shall be construed as if followed by the words “of the International Mechanical Code,” unless the context clearly indicates otherwise.**

**Section 101.1 Title.**

**Insert “City of Oak Ridge, Tennessee” for name of jurisdiction.**

**Note:** The current City Code printed and online edition does not show a Mechanical Code. Chapter 10 was reserved for the Mechanical Code by adoption of Ordinance No. 4-11 when the Trade Licensing Board was created. The City’s website has a link to that ordinance so the public has access to the correct chapter information, however, there was no text contained within the chapter at that time.

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "BUILDING CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "BUILDING CODE," TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge adopted by reference the International Building Code, 2006 edition; and

WHEREAS, the City desires to adopt the 2012 edition of the International Building Code and to provide for any necessary amendments thereto, which furthers the City efforts to lessen conflicts between the various codes; and

WHEREAS, the language in Section 12-203, Manufactured Homes, remains unchanged.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Building Code," in its entirety and substituting therefor a new Chapter 2, titled "Building Code," which new chapter shall read as follows:

Chapter 2

Building Code

Sec. 12-201. International Building Code adopted.

The International Building Code, 2012 edition, including Appendices A, C, F, G, H and K, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Sec. 12-202. Amendments.

- (1) Generally. The building code and the appendices adopted by § 12-201 are hereby amended as set out in this section. All references to section numbers in the text of this section shall be considered as if followed by the words "of the building code," unless clearly indicated to the contrary. In all places where the building code requires the insertion of the jurisdiction name, the City of Oak Ridge, Tennessee, shall be inserted.
- (2) Titles and designations. Titles and designations used in the building code shall be changed to conform with the proper city titles and departments as follows:
  - (a) "Building official" shall mean the City Manager or the City Manager's designee.
  - (b) "Board of appeals" shall mean the City's Board of Building and Housing Code Appeals.
  - (c) "Chief appointing authority" shall mean City Manager.
  - (d) "Department of law" shall mean City Attorney.

- (3) Appendix H. Appendix H is hereby amended as follows:
- (a) Section H101.2, Signs exempt from permits. Delete subsection 1 in its entirety.
  - (b) Section H102.1, General. Delete the definitions for "Ground Sign" and "Roof Sign" in their entirety.
  - (c) Section H104, Identification. Section H104 is hereby deleted in its entirety.
  - (d) Section H105.2 Permits, drawings and specifications. In the first sentence, delete the word "shall" and replace with "may."
  - (e) Section H110, Roof Signs. Section H110 is hereby deleted in its entirety.
  - (f) Section H114.1, General. In the first sentence, delete the word "roof."
- (4) Section 103.1, Creation of enforcement agency. Section 103.1 is hereby deleted in its entirety and is replaced with the following:

Section 103.1, Building Official. The provisions of this code shall be enforced by the Building Official.

- (5) Section 105.2, Work exempt from permit. This section is hereby amended by deleting all items listed under the heading "Building," except for items numbered 7, 11 and 13, which shall remain in their entirety.
- (6) Section 105, Permits. Section 105 is hereby amended by adding the following new subsections:
- (a) Section 105.8, Contractor License. It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required in the city and every contractor or builder making such contracts, and subletting the same, or any part thereof, to pay a privilege license tax as provided by ordinance and to register his or her name in a book provided for the purpose with the code enforcement administrator, giving full name, residence, and place of business, and in case of removal from one place to another in the city to have made corresponding change in said register accordingly.
  - (b) Section 105.9, Liability Insurance. Any contractor doing work requiring a city building permit shall present evidence of liability insurance with coverage in an amount acceptable to the city manager.
  - (c) Section 105.10, Workers' Compensation Insurance. Any contractor doing work requiring a city building permit shall present evidence of workers' compensation insurance in compliance with state regulations.
- (7) Section 107.2.5, Site plan. Section 107.2.5 is hereby amended by inserting the following sentence in between the first and second sentences:

The building official may require a boundary line survey prepared by a licensed land surveyor. Such boundary line survey may be required after the footers or foundation is in place, in which case it shall show the location of the footers or foundation in relation to required setback requirements.

- (8) Section 113.1, Generally. Section 113.1 is hereby deleted in its entirety and replaced with the following:

The board of appeals shall hear all appeals provided for in this chapter in accordance with rules and regulations established by such board for such appeals, which rules and regulations shall not be inconsistent with the provisions of this code. The board shall meet at such regular intervals as determined necessary by the board, but shall meet within fifteen (15) days after a notice of appeal under this chapter has been received. Every decision shall be promptly filed in writing in the office of the code enforcement administrator, and shall be open to public inspection, and a copy shall be mailed to the appellant at the address contained in the notice of appeal.

The provisions of this section shall become effective August 1, 1991.

- (9) Section 113.2, Limitations on authority. Section 113.2 is hereby amended by adding the following to the end of the section:

Notice of appeal shall be in writing and filed within sixty (60) days after the decision is rendered by the Building Official and/or the Fire Official. The required fee established by City policy shall accompany such notice of appeal.

- (10) Section 113, Board of Appeals. Section 113 is hereby amended by adding the following new subsections:

- (a) Section 113.4, Unsafe or Dangerous Building. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the board may on request of the Building Official shorten the time for appeal.
- (b) Section 113.5, Appeals from Fire, Plumbing, Electrical, Residential, Mechanical and Property Maintenance Inspectors' Decision. The board of appeals shall act as the board which hears appeals from the decisions of the fire inspector on interpretations of the fire code, the electrical inspector on interpretations of the electric code, the plumbing inspector on interpretations of the plumbing code, the building inspector on interpretations of the residential code, the mechanical inspector on interpretations of the mechanical code and the property maintenance inspector on interpretations of the property maintenance code, as well as acting as the appeals board under this code.
- (c) Section 113.6, Variances. The board of appeals, when appealed to and after a hearing, may vary the application of any provision of the fire code, electrical code, plumbing code, residential code, mechanical code, property maintenance code, and this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of that particular code, or when the interpretation of the Building Official, the Fire Official, the electrical inspector, the mechanical inspector, the property maintenance inspector, or the plumbing inspector should be modified or reversed, provided, however, the board of appeals also finds all of the following:
1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
  3. That granting the variance requested will not confer on the applicant any special privilege that is denied to other buildings, structures or service systems.
  4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
  5. That the grant of the variance will be in harmony with the general intent and purpose of the adopted code and will not be detrimental to the public health, safety and general welfare.
- (d) Section 113.7, Action. The board of appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. If the decision be to vary or modify the application of the building, fire, electric, plumbing or property maintenance code, or if it varies or modifies an order of the Building Official, Fire Official, or the plumbing, electrical, or property maintenance inspector, the board's decision shall indicate how the variation or modification is made and any condition on which it is made. All decisions shall indicate the reasons therefor.
- (e) Section 113.8. Decisions are final. Every decision of the board of appeals shall be final, subject, however, to such remedy as any aggrieved party might have in law or at equity.
- (11) Section 114.4, Violation penalties. Section 114.4 is hereby deleted in its entirety and replaced with the following:
- Any person, firm, corporation, or agent who shall violate any provisions of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, or who shall fail to comply with such an order as affirmed or modified by the city court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (12) Section 903, Automatic Sprinkler Systems. This section is hereby amended as follows:
- (a) The square footage amounts referred to in certain sections of Section 903 are hereby deleted and replaced as follows:
- (1) In Sections 903.2.1.1, 903.2.1.3, 903.2.1.4, 903.2.9.1, and 903.2.9.2 (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.
  - (2) In Sections 903.2.4, 903.2.7, and 903.2.9 (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000

with the number 10,000, and replace the number 24,000 with the number 20,000.

- (3) In Section 903.2.3 (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 12,000 with the number 10,000.

(b) Section 903.2.13, Additional Sprinkler Requirements.

- (1) Sprinkler system in new construction. Except where more stringent requirements are stipulated elsewhere in the building code, all new commercial and residential buildings of ten thousand (10,000) square feet or more shall be equipped with an approved automatic sprinkler system.
- (2) Sprinkler system in large additions to buildings. Any new addition, which is more than ten thousand (10,000) square feet, connected to an existing building of any size, shall be equipped with an approved automatic fire sprinkler system. The new addition shall either:
  - (a) Be separated from the existing building by two-hour or greater construction, or
  - (b) Have the sprinkler system extend to cover the existing construction as well as the new addition
- (3) Sprinkler system in small additions to buildings. Any new addition of more than five thousand (5,000) square feet but less than ten thousand (10,000) square feet that does not increase the size of the complete facility (existing plus new addition) to more than ten thousand (10,000) square feet shall be equipped with a complete automatic fire detection system or fire sprinkler system. The new addition with the automatic fire detection or fire sprinkler system installed shall either:
  - (a) Be separated from the existing building by two-hour or greater construction, or
  - (b) Have the fire detection or fire sprinkler system extend to cover the existing construction as well as the new addition.
- (4) Sprinkler system in additions to unsprinklered buildings. Any new addition that will increase the size of the complete facility (existing building plus new addition) to more than ten thousand (10,000) square feet shall either:
  - (a) Be separated from the existing construction by a non-penetrated, four-hour fire wall and have an automatic fire detection system installed in the new addition and the existing building; or
  - (b) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire detection system installed in both the new addition and the existing building; or

- (c) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire sprinkler system installed in the new addition; or
- (d) Have an automatic fire sprinkler system installed in the entire facility, both the new addition and the existing building.

The term "automatic fire sprinkler system" means a system meeting the requirements of the latest edition of the applicable National Fire Protection Association standard for the installation of sprinkler systems.

- (5) Fire sprinkler systems shall be installed when required by the City of Oak Ridge Standard Construction Requirements and Details, specifically Section 602(2), Adequate Fire Protection, which is reprinted here:

In any one or more of the conditions listed below, the developer or builder shall provide a means for adequate fire protection including but not limited to the installation of a domestic sprinkler system complying with applicable codes, the installation of an additional fire hydrant capable of supplying adequate flow, or the installation of a booster pump to increase flow to an acceptable level at the structure.

- (a) Any part of the building is more than five hundred (500) feet from a hydrant measured along an accessible roadway; or
- (b) The nearest hydrant provides a water supply of less than five hundred (500) gpm in residential areas or one-thousand (1000) gpm in non-residential areas at twenty pounds per square inch residual pressure at periods of peak demand.
- (c) The elevation difference between the highest floor of the referenced structure and the nearest hydrant prevents adequate water flow and pressure for fire protection at that structure.

- (6) Detection system or sprinkler system for smaller buildings. Except where more stringent requirements are stipulated in the building code, all buildings of greater than five thousand (5,000) square feet hereafter constructed shall be equipped with an automatic fire detection system, approved by the fire chief, using UL listed equipment, and monitored through an approved central station facility, or an approved automatic sprinkler system monitored as outlined above, except where four-hour non-penetrated fire walls divide the building into units of less than five thousand(5,000) square feet.

- (7) Open parking garages, exception to sprinkler requirement.

- (a) Open parking garage shall mean a structure, or portion thereof, that is used for the parking or storage of private motor vehicles with openings described as follows:
  - (i) For natural ventilation purposes, the exterior side of the structure shall have uniformly distributed openings on

two (2) or more sides. The area of such openings in exterior walls on a tier must be at least twenty percent (20%) of the total perimeter wall area of each tier. The aggregate length of the openings considered to be providing natural ventilation shall constitute a minimum of forty percent (40%) of the perimeter of the tier. Interior walls shall be at least twenty percent (20%) open with uniformly distributed openings.

- (ii) Exception. Openings are not required to be distributed over forty percent (40%) of the building perimeter where the required openings are uniformly distributed over two opposing sides of the building.
- (b) An open parking garage shall not be required to be equipped with an approved automatic fire sprinkler system provided the following requirements are met:
- (i) The open parking garage is above ground;
  - (ii) No space for human occupancy shall be located below, within or above the open parking garage except as ancillary to the operation of the open parking garage;
  - (iii) Two (2) or more sides of the open parking garage shall be open and accessible to aerial fire apparatus;
  - (iv) Attached structure(s) shall be separated from the open parking garage by a wall with a minimum of a two-hour fire rating certified by a competent engineer;
  - (v) A standpipe system, meeting the requirements of NFPA 14, shall be provided with outlets no more than one hundred and thirty (130) feet from any point within the open parking garage;
  - (vi) A fire hydrant shall be provided within one hundred (100) feet of the fire department supply connection to the standpipe system; and
  - (vii) The open parking garage shall comply with all applicable requirements of the model codes adopted by the city.
- (c) Exception. If a model code adopted by the city requires the open parking garage to be equipped with an approved automatic sprinkler system, the provisions of this section shall not apply and the open parking garage shall be equipped with an approved automatic sprinkler system.

- (13) Section 1013.2. Where required. Section 1013.2 is amended by deleting the first sentence and replacing it with the following sentence:

Guards shall be located along open-sided walking surfaces or ground surfaces, mezzanines, industrial equipment platforms, retaining walls, stairways, ramps, landings and any other locations that are located more than 30inches (762mm) above the floor or grade below.

- (14) Chapter 11 Accessibility is hereby deleted in its entirety.
- (15) Section 1612.3, Establishment of flood hazard areas. Section 1612.3 is hereby amended to specify the City has two flood insurance studies which are as follows: Flood Insurance Study for Anderson County, Tennessee, and Incorporated Areas, effective January 17, 2007, and Flood Insurance Study for Roane County, Tennessee, and Incorporated Areas, effective September 28, 2007.
- (16) Section 3410.2, Applicability. Section 3410.2 is hereby amended by inserting the required date as "the date of the adoption of the first building code regulations in the City of Oak Ridge, Tennessee."

**Sec. 12-203. Manufactured Homes.**

- (1) **Defined.** A manufactured home is a residential dwelling unit which:
  - (a) Contains one thousand (1,000) or more square feet of living space;
  - (b) Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant;
  - (c) Is transported to the homesite on its own chassis;
  - (d) Was constructed after June 1, 1976 and meets or exceeds construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction;
  - (e) Has a length not exceeding four (4) times its width; and
  - (f) Has a width of at least twenty (20) feet.
- (2) **Standards.** Manufactured homes shall comply with the Federal "Manufactured Home Construction and Safety Standards" dated August 11, 1987, including any subsequent revisions or amendments thereto, and shall comply with the following provisions:
  - (a) The pitch of the roof shall have a minimum vertical rise of two and two-tenths (2.2) feet for each twelve (12) feet of horizontal run and the finish shall be with a type of shingle commonly used in standard residential construction.
  - (b) The exterior siding shall consist predominantly of vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
  - (c) The home shall be installed on a permanent foundation system in accordance with all applicable requirements of the building code.
  - (d) Stairs, porches, entrances, platforms and other means of entrance and exit to the home shall be installed and constructed in accordance with the building code.
  - (e) The moving hitch, wheels and axles, and transporting lights shall be removed.
  - (f) All utilities shall be permanently connected to a public utility system in accordance with all applicable city codes, provided an approved septic tank is acceptable where public sewer is not available.

- (g) A manufactured home unit shall bear the label or seal of compliance with the Federal Manufactured Home Construction and Safety Standards issued by an agency approved by the Secretary of the Department of Housing and Urban Development.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 11, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 11, TITLED "RESIDENTIAL CODE," TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge adopted by reference the International Residential Code, 2006 edition; and

WHEREAS, the City desires to adopt a new code, the International Residential Code, 2012 edition, and any necessary amendments thereto, which code establishes a building code applicable to construction of one- and two-family dwellings.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 11, titled "Residential Code," in its entirety and substituting therefor a new Chapter 11, titled "Residential Code," which new chapter shall read as follows:

Chapter 11

Residential Code

Sec. 12-1101. International Residential Code Adopted.

The International Residential Code, 2012 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail. This code shall apply to one- and two-family dwellings as outlined in Section R101.2 after adoption of this ordinance.

Sec. 12-1102. Amendments.

- (1) Generally. The International Residential Code is hereby amended as set out in this section. All references to section numbers in the text of this section shall be considered as if followed by the words "of the International Residential Code," unless clearly indicated to the contrary. In all places where the International Residential Code requires the insertion of the jurisdiction name, the City of Oak Ridge, Tennessee, shall be inserted.
- (2) Titles and designations. Titles and designations used in the International Residential Code shall be changed to conform with the proper city titles and departments as follows:
  - (a) "Building official" shall mean the City Manager or the City Manager's designee.
  - (b) "Board of appeals" shall mean the City's Board of Building and Housing Code Appeals.
  - (c) "Chief appointing authority" shall mean City Manager.
  - (d) "Department of law" shall mean City Attorney.

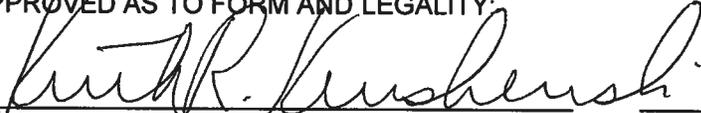
- (3) Section R103.1, Creation of enforcement agency. Section R103.1 is hereby deleted in its entirety.
- (4) Section R105.2, Work exempt from permit. Section R105.2 is hereby amended by deleting all items listed under the heading "Building," except for items numbered 6, 7, 8 and 9, which shall remain in their entirety.
- (5) Section R106.3.1, Approval of construction documents. Section R106.3.1 is hereby amended by changing the word "approval" to "review" and the word "approved" to "reviewed."
- (6) Section R106.3.2, Previous approvals. Section R106.3.2 is hereby amended by changing the word "approvals" to "reviews."
- (7) Section R106.3.3, Phased approval. Section R106.3.3 is hereby amended by changing the word "approval" to "review."
- (8) Section R106.4, Amended construction documents. Section R106.4 is hereby amended by changing the word "approval" to "review" and the word "approved" to "reviewed."
- (9) Section R112, Board of Appeals. Section R112 is hereby deleted in its entirety.
- (10) Table R301.2(1) Climatic And Geographic Design Criteria.  
Insert "10 PSF" in the table for Ground Snow Load.  
Insert "90" in the table for Wind Speed.  
Insert "C" in the table for Seismic Design Category.  
Insert "Severe" in the table for Weathering.  
Insert "12 inches" in the table for Frost Line Depth.  
Insert "Moderate to heavy" in the chart for Termite.  
Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.  
Insert "No" in the table for Ice Barrier Underlayment Required.  
Insert "Anderson County, Tennessee and incorporated areas effective 01-17-07 and Roane County, Tennessee and incorporated areas effective 09-28-07" in the table for Flood Hazards.  
Insert "250" in the table for Air Freezing Index.  
Insert "60" in the table for Mean Annual Temp.
- (11) Section R302.2 Townhouses. In the exception change the 1-hour to 2-hour.
- (12) Section R302.6 Dwelling/garage fire separation. In Table 302.6 change 5/8" type X to 1/2".
- (13) Section R302.5.1 Opening Protection. In the last sentence put a period after fire-rated doors and delete the remaining text.
- (14) Section R311.7.9 Illumination. Change the section number referenced to R303.7
- (15) Section R313, Automatic Fire Sprinkler Systems. Section R313 is hereby deleted in its entirety.
- (16) Section R905.2.8.5 Drip edge is hereby deleted in its entirety.
- (17) Chapter 11 is hereby deleted in its entirety.
- (18) Chapter 24 is hereby deleted in its entirety.

(19) Section P2603.6.1, Sewer depth. Section P2603.6.1 is hereby amended by inserting the number "twelve inches" in two places for the missing number.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 10, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 10, TITLED "MECHANICAL CODE," TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City desires to adopt the 2012 edition of the International Mechanical Code and to provide for any necessary amendments thereto, which furthers the City efforts to lessen conflicts between the various codes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 10, titled "Mechanical Code," in its entirety and substituting therefor a new Chapter 10, titled "Mechanical Code," which new chapter shall read as follows:

Chapter 10

Mechanical Code

Sec. 12-1001. International Mechanical Code Adopted.

The International Mechanical Code, 2012 edition, is hereby adopted by reference and shall become a part of the mechanical code as if copied herein verbatim, except as such code may be in conflict with other provisions of the mechanical code, in which event such other provisions shall prevail.

Sec. 12-1002. International Mechanical Code – Amendments.

The International Mechanical Code as adopted by §12-1005 is amended as set out in this section.

All references to section numbers in the text of this section shall be construed as if followed by the words "of the International Mechanical Code," unless the context clearly indicates otherwise.

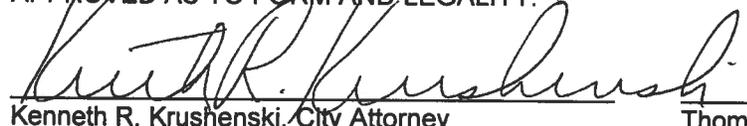
Section 101.1 Title.

Insert "City of Oak Ridge, Tennessee" for name of jurisdiction.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 3, TITLED "TRADE LICENSING BOARD," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," AND SUBSTITUTING THEREFOR A NEW SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," TO DESIGNATE TWO MEMBERS AS MECHANICAL LICENSE HOLDERS AND STAGGERING THE TERMS OF THOSE TWO MEMBERS.

WHEREAS, by Ordinance 4-11, City Council established a seven member Trade Licensing Board in place of two previous five member boards for plumbing and electrical; and

WHEREAS, with the adoption of the new International Mechanical Code, 2012 edition, the City needs to designate two members on the Trade Licensing Board as mechanical license holders, which will then result in a board with two electricians, two plumbers, two mechanics, and one at large member.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 3, titled "Trade Licensing Board," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-301, titled "Established; composition," in its entirety and substituting therefor a new Section 12- 301, titled "Established; composition," which new section shall read as follows:

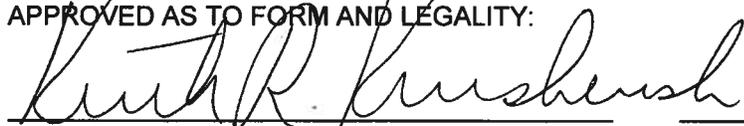
Sec. 12-301. Established; composition.

There is hereby established in the city a Trade Licensing Board, which shall consist of seven (7) members. Effective January 1, 2013, such board shall be composed of two (2) members holding a current and valid Class I or II electrical license from the City of Oak Ridge, two (2) members holding a current and valid plumber's license from the City of Oak Ridge, two (2) members holding a current and valid mechanical license from the City of Oak Ridge, if such qualified applicants are available, and the remaining member from the public at large, including persons who possess current and valid electrical, plumbing, and mechanical licenses.

In order to stagger the membership for the mechanical license holders, one member's term shall expire on December 31, 2015, and the other member's term shall expire on December 31, 2013. Thereafter, the terms of office shall be for three years terms as set forth in Section 12-304.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

JOINT MEMORANDUM  
LEGAL DEPARTMENT 12-56  
POLICE DEPARTMENT 12-03

DATE: October 2, 2012

TO: Mark S. Watson, City Manager

FROM: Tammy M. Dunn, Senior Staff Attorney  
James T. Akagi, Chief of Police

SUBJECT: AMENDMENT TO CITY CODE – BROWN BAGGING PROHIBITED, EXCEPTION

An item for the agenda is an ordinance to amend the City Code pertaining to brown bagging.

Background

The issue of brown bagging was discussed at the September 24, 2012 work session at the direction of City Council. The history of state laws governing alcoholic beverage sales and brown bagging, as well as current applicable City Codes, were addressed by Legal Department Memorandum 12-54 and presented to City Council at the work session. A proposed ordinance amendment option was also discussed at the work session meeting as outlined in Legal Department Memorandum 12-55. Since these memos were presented previously to City Council, the content of the memos is not reiterated here.

City Staff's main focus during the work session meeting was to bring to City Council's attention potential problems should the practice of brown bagging be allowed without limitation. Those concerns include public drunkenness, open container violations, alcohol-involved domestic incidents, and intoxicated drivers. Statistics for Oak Ridge were presented at the meeting. Addressing the unregulated consumption of alcoholic beverages can further the City's interests in diminishing the number of those incidents outlined above. City Staff sought to balance those interests against the desire of some restaurant owners to allow patrons to brown bag wine.

During the work session discussion, City Council seemed agreeable to City Staff's request to broaden the current brown bagging prohibition to apply it citywide with one exception. The original exception presented to City Council was to allow small restaurants with a valid on-premises beer permit to allow patrons to brown bag wine provided such restaurant was unable to obtain a wine only or liquor license from the state due to the state's minimum seating requirements. At the meeting, it was suggested that this exception not be limited to establishments that could not obtain a license from the state based upon seating but allow the exception to apply to any restaurant (food service establishment) with a valid on-premises beer permit. This would allow those operators who have shown a willingness and a responsibility toward on-premises consumption of alcohol (beer) to allow patrons to brown bag wine.

In order to accomplish this, it is necessary to delete the second half of City Code §8-805 – which contains the current prohibition on brown bagging – and take it back to its' previously version of just being a provision regarding drugs in establishments with beer permits. It is also necessary to create a new section on brown bagging setting forth the prohibition and the exception. In looking at other cities' ordinances, those with similar prohibitions place that provision in their title on municipal offenses under the chapter pertaining to alcohol. Oak Ridge has the same type of city code structure as many other Tennessee cities, therefore, it is recommended that the new provision be contained in Title 11, Municipal Offenses, Chapter 2, Alcohol, Drugs, Etc. to keep consistency among codes within the state.

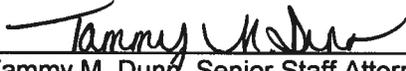
The new provision takes into account the comments made at the work session concerning food service establishments versus minimum seating requirements set by the state for liquor licensing. In an effort to allow current businesses who allow brown bagging under current City Code, enforcement of the new provision is recommended to begin January 1, 2013. This will allow restaurants who wish to continue the practice of brown bagging wine sufficient time to obtain an on-premises beer permit while not negatively impact any business plans currently in place for the upcoming holidays.

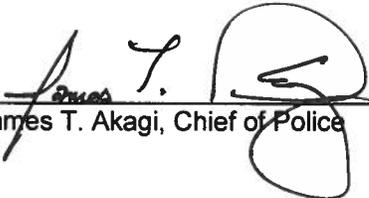
The attached ordinance was drafted in light of the comments received at the September 24, 2012 work session.

Recommendation

The Oak Ridge Beer Permit Board will be considering this ordinance amendment at their meeting on October 8, 2012, and if available, the board's recommendation to City Council will be presented at the Council meeting.

Approval of the attached ordinance is recommended.

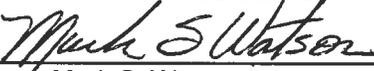
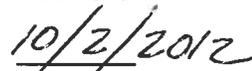
  
\_\_\_\_\_  
Tammy M. Durn, Senior Staff Attorney

  
\_\_\_\_\_  
James T. Akagi, Chief of Police

Attachment

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

   
\_\_\_\_\_  
Mark S. Watson                      Date

BOLD/STRIKETHROUGH OF BROWN BAGGING ORDINANCE

TITLE 8  
ALCOHOLIC BEVERAGES

CHAPTER 8  
BEER AND OTHER LIGHT BEVERAGES – PROHIBITIONS

Section 8-805. ~~Drugs or liquor on premises.~~

~~It is unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any prohibited drugs within the meaning of Tennessee Code Annotated, §§ 53-10-101, et seq., and 39-17-401, et seq. It is also unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any intoxicating beverage, the alcoholic content of which is in excess of five percent (5%) by weight, unless such permittee is also the holder of a valid liquor license issued under the authority of Tennessee Code Annotated, title 57, chapter 4.~~

TITLE 11  
MUNICIPAL OFFENSES

CHAPTER 2  
ALCOHOL, DRUGS, ETC.

Section 11-201. ~~[Deleted.]~~

Section 11-202. ~~Possession and/or consumption of beer and other alcoholic beverages prohibited on posted private property.~~

~~It shall be unlawful for any person to drink, consume, or possess opened cans, bottles, or other containers of beer or other alcoholic beverages upon any private property where the owner has posted a reasonably visible sign on the premises prohibiting such activity. Such a sign located upon the premises shall be presumed to be posted by the owner. The signs posted under this section shall be approved by the city manager as to size, form, and content prior to posting.~~

**Section 11-201. Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public.**

**It shall be unlawful for any person to drink, consume or have an open container or bottle of beer, wine, alcoholic beverage, or other intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club unless such place has a current and valid permit or license for on premises consumption of such beverage.**

**Section 11-202. Brown bagging.**

**It shall be unlawful for any person to bring for consumption any container or bottle of beer, wine, alcoholic beverage or other intoxicating liquor (“brown bagging”) in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club. It is similarly unlawful for any person or establishment to allow “brown bagging” to occur on their premises or to fail to take reasonable measures to inform their patrons and customers that “brown bagging” is not allowed upon their premises. Any establishment who promptly reports to the police a “brown bagging” violation on its premises shall be presumed to be in compliance with the law. Likewise, any establishment which fails to promptly notify the police of a “brown bagging” violation on its premises shall be presumed to be in violation of the law.**

**Section.11-203. Exceptions.**

- (1) **Generally. The provisions of Section 11-201 and Section 11-202 above are not applicable to any establishment which possesses a current and valid liquor by the drink license from the State of Tennessee.**
- (2) **On-Premises Beer Permitted Food Service Establishments – Wine. Food service establishments with a current and valid on-premises consumption beer permit issued under the provisions of the City Code may allow patrons and customers to “brown bag” wine—as defined by Tennessee Code Annotated §57-4-102(39)—regardless of whether such food service establishment possesses a liquor by the drink license from the State of Tennessee. For purposes of this subsection, “food service establishment” 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 served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and customers; and providing that more than fifty percent (50%) of the gross revenue of the establishment is generated from the serving of food/meals. City Council may, by resolution, establish a permit fee for this exception to the “brown bagging” prohibition.**

Notes:

1. The first change (§8-805) removes the current language on brown bagging.
2. The second change deletes current language in §11-202 that would conflict with the proposed provision on brown bagging.
3. The third change is to add new language (§11-201, currently empty) to prohibit the *consumption* of beer, wine, and liquor in any public place or private club that is not properly permitted or licenses.
4. The fourth change is to add new language (new §11-202) to prohibit the bringing of beer, wine and liquor (*brown bagging*) by persons and to prohibit establishments from allowing the practice of brown bagging.
5. The last change is to add a new section (§11-203) to address the exception. One, exception for liquor by the drink establishments because state law does not allow the city to regular liquor licensed establishments in this manner. Two, exception for on-premises beer-permitted food service establishments to allow patrons to brown bag wine only. This is to address the issue discussed at the September 24, 2012 work session.

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; AND BY DELETING TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC." IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "ALCOHOL," ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."

WHEREAS, by City Code §8-805, the City of Oak Ridge prohibits the practice of brown bagging alcoholic beverages exceeding five percent (5%) alcoholic content by weight in establishments with a beer permit; and

WHEREAS, the City desires to expand the prohibition on brown bagging with one exception.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 8, titled, "Alcoholic Beverages," Chapter 8, titled "Beer and Other Light Beverages – Prohibitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-805, titled "Drugs or Liquor on Premises," in its entirety and substituting therefor a new Section 8-805, titled "Drugs on Premises," which new section shall read as follows:

Sec. 8-805. Drugs on premises.

It is unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any prohibited drugs within the meaning of Tennessee Code Annotated §§53-10-101, et seq., and 39-17-401, et seq.

Section 2. Title 11, titled, "Municipal Offenses," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Alcohol, Drugs, Etc.," and substituting therefor a new Chapter 2, titled "Alcohol," which new chapter shall read as follows:

Chapter 2  
Alcohol

Sec. 11-201. Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public.

It shall be unlawful for any person to drink, consume or have an open container or bottle of beer, wine, alcoholic beverage, or other intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club unless such place has a current and valid permit or license for on premises consumption of such beverage.

Sec. 11-202. Brown bagging.

It shall be unlawful for any person to bring for consumption any container or bottle of beer, wine, alcoholic beverage or other intoxicating liquor ("brown bagging") in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club. It is similarly unlawful for any person or establishment to allow "brown bagging" to occur on their premises or to fail to take reasonable measures to inform their patrons and customers that "brown bagging" is not allowed upon their premises. Any establishment who promptly reports to

the police a "brown bagging" violation on its premises shall be presumed to be in compliance with the law. Likewise, any establishment which fails to promptly notify the police of a "brown bagging" violation on its premises shall be presumed to be in violation of the law.

Sec .11-203. Exceptions.

- (1) Generally. The provisions of Section 11-201 and Section 11-202 above are not applicable to any establishment which possesses a current and valid liquor by the drink license from the State of Tennessee.
- (2) On-Premises Beer Permitted Food Service Establishments – Wine. Food service establishments with a current and valid on-premises consumption beer permit issued under the provisions of the City Code may allow patrons and customers to "brown bag" wine—as defined by Tennessee Code Annotated §57-4-102(39)—regardless of whether such food service establishment possesses a liquor by the drink license from the State of Tennessee. For purposes of this subsection, "food service establishment" 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 served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and customers; and providing that more than fifty percent (50%) of the gross revenue of the establishment is generated from the serving of food/meals. City Council may, by resolution, establish a permit fee for this exception to the "brown bagging" prohibition.

Section 3. Enforcement of this ordinance shall begin January 1, 2013.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
 \_\_\_\_\_  
 Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
 Thomas L. Beehan, Mayor

\_\_\_\_\_  
 Diana R. Stanley, City Clerk

First Reading: \_\_\_\_\_  
 Publication Date: \_\_\_\_\_  
 Second Reading: \_\_\_\_\_  
 Publication Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

**JOINT MEMORANDUM  
ELECTRIC DEPARTMENT 12-21  
LEGAL DEPARTMENT 12-53**

DATE: September 28, 2012

To: Mark S. Watson, City Manager

From: Jack L. Suggs, Electrical Director  
Tammy M. Dunn, Senior Staff Attorney

SUBJECT: CITY CODE AMENDMENT – PEDDLERS, SOLICITATION AND ITINERANT  
MERCHANTS (TITLE 9, CHAPTER 1)

An item for the agenda is an ordinance to amend City Code Title 9, titled "Business, Peddlers, Solicitors, Etc.," Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," to update the provisions for door-to-door sales.

Background

Solicitation (or door-to-door sales) is regulated in Oak Ridge through Title 9, Chapter 1, of the City Code. Current code provisions require a potential solicitor to complete an application and pay an application fee. The fee is currently set by ordinance at \$2.00 for persons over sixteen (16) years of age and \$1.00 for those under sixteen (16). The completed application is received by the Utility Business Office, reviewed by the Police Department to run a local background check and is then forwarded to the City Manager for approval of the application. If approved, the solicitor is issued a small paper card to carry which they are to present when requested.

This process is very time and resource intensive and the nominal application costs do not begin to cover the actual cost of obtaining a permit. The cards are not true identification as they contain no photographs. And, the background check is not as intensive as it could be to ensure citizen safety.

Proposed Changes

Staff has examined this issue and has developed a proposal which should modernize and improve the process. The proposed changes will result in better background checks, an actual identification credential for the vendor to display, more specific rules on conduct during solicitation, and a substantial increase in cost recovery. Under this proposal, background checks will be conducted by a third party vendor.

*Background Check*

Our current vendor for utility risk assessment, Online Utility Exchange, offers a near instant nationwide criminal background check which the City plans to use for solicitors. Data retrieved by the vendor comes from all fifty (50) states along with Washington D.C., Guam, Puerto Rico, and the Virgin Islands. It is important to note that there is no civilian-accessible national law enforcement database which covers all convictions or "wants and warrants." States and counties within states vary in the access they provide with some—Roane County for example—not providing any electronic access to its data. Where electronic access to records is provided, the data sources that are available also vary with information most frequently supplied by that state's Department of Corrections (43 of 54), any statewide Court Administrators (32 of 54) and the Sex Offender Data Base (52 of 54). Two (2) states allow for an instant search of their county databases. Because of these facts, there is always a chance that a felon will pass this search unidentified, but staff is unaware of any better source of the information.

As a final note regarding background checks, the City can only request the background checks if the applicant provides authorization to do so and for that reason such authorization will be added to the application process. Further, the City will be able to use this information for permissible purposes under the law. The information could, for example, be used for the purposes described—to decrease fraud and threat to our citizens—but would be held in a strictly confidential manner until destroyed. The cost to the City for each of these checks is \$20.00.

#### *Identification Credentials*

As part of the application process, applicants will have their image taken digitally and stored on a City database which will be used to print badges for those who are approved. The changes to the ordinance will require that the badges be prominently displayed by all solicitors. Attached to this memorandum is a mock-up of the proposed badge (front and back) that is under consideration. The cost of the equipment to establish this program is roughly \$2,100.00 and printing costs are \$0.30 per card, plus operator labor cost. Providing a clip for display brings the total printing and material cost to \$0.41.

#### *Rules of Conduct*

The changes to the ordinance also expand the rules of conduct for solicitors. The rules were taken from ordinances in other cities across the country in an attempt to ensure that the solicitor knows that improper behavior such as providing false or misleading information, trespassing, and aggressive solicitation will result in revocation of the permit.

It is also proposed to establish hours of solicitation in order to ensure public safety as well as protect solicitors. The proposed hours of solicitation are between the hours of 9:00 a.m. and 9:00 p.m. (April to October) and 9:00 a.m. and 7:30 p.m. (November to March). The difference in time periods takes into account daylight savings time to offer a longer time period when daylight hours are longer and a shorter time period when daylight hours are shorter but still giving available time for solicitors to solicit door-to-door when citizens arrive home from normal working business hours. Limiting solicitation to only occur during daylight hours was considered, however, recent court opinions indicate such a limitation would not be constitutional.

Additionally, the current language needs to be clear on special considerations that will be provided to non-profit organizations and their representatives. It is the intent of the proposal that non-profit organizations should submit a single application that lists the names of the solicitors/canvassers. Generic cards, without names or photographs will be issued for each non-profit organization to be distributed among its solicitors/canvassers. Using this approach, the cost can be greatly reduced to the City and the solicitor. The ordinance as proposed exempts persons seventeen (17) years or younger from the requirement to have a permit unless they are agents of a for profit organization.

#### *Cost Recovery*

The proposed ordinance removes the cost/fee from the ordinance itself and instead sets the permit application fee by resolution. While it is difficult to calculate the actual cost to the City of the permit, it is anticipated that the work can be completed for a total cost of around \$20.00 per application once the system is established. Background checks will not be normally conducted on non-profit groups which reduces the cost. For that reason, staff recommends the following fees and will present such in a resolution for approval on second reading:

Solicitor Permit (valid one year): \$40.00  
Replacement Credential: \$5.00  
Non-profit organizations: \$15.00 plus \$0.50 per solicitor

It is natural to compare these costs to other cities. Staff found such a wide range of policies, however, comparisons are difficult. Of the (15) fifteen cities contacted, six (6) had no policy and required no

permits and three (3) issued permits or required registration, but did not charge. Of the six (6) that charged, three (3) charged one each of: \$2.00, \$5.00, \$20.00, while the other three (3) charged \$50.00 or more. All except the lowest cost provided discounted or free permits for non-profits and youth.

Reorganization of Provisions

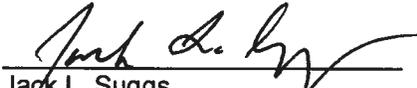
The Legal Department suggested a reorganization of the provisions within the chapter to better clarity and ease of use. In order to reorganize the provisions, the proposed ordinance is an entire replacement of the chapter on solicitation. A bold/strikethrough of the ordinance language is also attached to show the changes that are actually proposed.

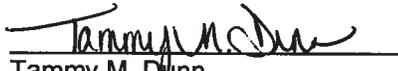
Other Considerations

Recent court opinions have limited a city's ability to place certain restrictions on solicitors and canvassers. Citizens are encouraged to continue to post "no solicitation," "no trespassing," or similar signage if they do not want to be contacted by solicitors and canvassers. Additionally, while increased background checks and the issuing of badges may give solicitors extra credibility when going door-to-door, citizens are encouraged to still exercise good judgment when determining whether to engage in conversation and not consider a badge and a background check to be a stamp of legitimacy on the person or the product.

Recommendation

The attached ordinance accomplishes the changes outlined above. After careful consideration, staff recommends adoption of the attached ordinance.

  
\_\_\_\_\_  
Jack L. Suggs  
Electrical Director

  
\_\_\_\_\_  
Tammy M. Dunn  
Senior Staff Attorney

Attachments: Mock-up of proposed badges  
Bold/Strikethrough of changes  
Proposed ordinance

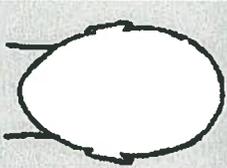
**City Manager's Comments:**

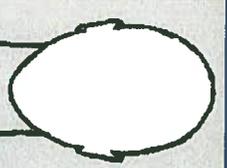
I have reviewed the above issue and recommend Council action as outlined in this document.

  
\_\_\_\_\_  
Mark S. Watson

  
\_\_\_\_\_  
Date

Draft Mockups of Various ID badges.

<b>LICENSED SOLICITOR</b>

<b>Jane H. Doe</b> Widget Sales Inc.
Expires: 12-12-2014 #XXX <small>City of</small> Oak Ridge <small>Tennessee</small>

<b>TRANSIENT VENDOR</b>

<b>Jane H. Doe</b> Widget Sales Inc.
Expires: 12-12-2014 #XXX <small>City of</small> Oak Ridge <small>Tennessee</small>

<b>Non-Profit Solicitor</b>
Widget Volunteer Agency Knoxville, Tn
Expires: 12-12-2014 #XXX <small>City of</small> Oak Ridge <small>Tennessee</small>

PROPERTY OF CITY OAK RIDGE P.O. Box 1 Oak Ridge, Tn 37831 RETURN POSTAGE GUARANTEED
<b>THIS CREDENTIAL TO BE WORN AT ALL TIMES WHEN SOLICITING</b>
FOR SOLICITATION GUIDELINES SEE CITY CODE §9-101 et seq. Hours allowed for Solicitation: 9:00 a to 9:00 p Apr - Oct 9:00 a to 7:00 p Nov. - March <b>HONOR "No Solicitation Signs."</b> NEVER act in a coercive, abusive, misleading or fraudulent manner. <b>IMMEDIATELY LEAVE</b> any premises without delay or argument when asked to do so. <b>FEE FOR REPLACEMENT</b>

PROPERTY OF CITY OAK RIDGE P.O. Box 1 Oak Ridge, Tn 37831 RETURN POSTAGE GUARANTEED
<b>THIS CREDENTIAL TO BE WORN AT ALL TIMES WHEN OPERATIONS IN PROGRESS</b>
NOTE: VENDING IS NOT ALLOWED ON PUBLIC RIGHTS OF WAY OR PUBLIC PROPERTY WITHOUT CONSENT OF THE CITY YOU MUST HAVE WRITTEN AUTHORIZATION FOR USE OF PROPERTY FROM PROPERTY OWNER AVAILABLE FOR EXAMINATION AT ALL TIMES OPERATIONS ARE UNDERWAY. <b>FEE FOR REPLACEMENT</b>

PROPERTY OF CITY OAK RIDGE P.O. Box 1 Oak Ridge, Tn 37831 RETURN POSTAGE GUARANTEED
<b>THIS CREDENTIAL TO BE WORN AT ALL TIMES WHEN SOLICITING</b>
FOR SOLICITATION GUIDELINES SEE CITY CODE SECTION 9-102 Hours allowed for Solicitation: 9:00 a to 9:00 p Apr - Oct 10:00 a to 6:00 p Nov. - March. <b>HONOR "No Solicitation Signs."</b> NEVER act in a coercive, abusive, misleading or fraudulent manner. <b>IMMEDIATELY LEAVE</b> any premises without delay or argument when asked to do so. <b>FEE FOR REPLACEMENT</b>

Draft Mockups of Various ID badges.

TITLE 9  
BUSINESSES, PEDDLERS, SOLICITORS, ETC.  
CHAPTER 1  
PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

§9-101. Definitions

Whenever used in this chapter, unless the context requires otherwise, the following definitions shall apply:

(1) ~~"City Manager"~~ ~~The term "city manager"~~ means the City Manager of this city or the City Manager's duly authorized representative **designee**.

(2) ~~"Merchandise"~~ ~~The word "merchandise"~~ means and includes all personal property of whatever kind, whether tangible or intangible, including but not limited to, goods, wares, produce, insurance, stocks and bonds.

(3) ~~"Non-profit organization"~~ ~~The term "nonprofit organization"~~ means and includes any ~~charitable, civic, religious or educational~~ **non-profit** organization ~~whose purpose is not for profit and whose funds are used for charitable, civic, religious or educational purposes as defined by and qualified under the rules and regulations of the Internal Revenue Service.~~

**"Permittee"** means the person holding a valid permit issued under this chapter.

(4) ~~"Solicit"~~ ~~"Soliciting"~~ ~~The terms "soliciting" or "solicitor"~~ means and includes offering merchandise for sale, barter or exchange, whether for present or future delivery, or in any manner disposing of personal property by peddling or hawking the same.

(5) ~~"Solicitor"~~ ~~The term "solicitor"~~ means and includes peddler, huckster or itinerant merchant and all persons of any age who solicit, attempt to solicit, sell, barter, exchange or offer to sell, barter or exchange, and includes person soliciting on behalf of a nonprofit organization.

~~§ 9-102. Shouting, using horns, bells, etc.~~

~~No person holding a permit under this chapter, or any person in his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell.~~

(Note: This section is part of proposed City Code §9-108. See subsection (8). Has been placed in a section along with other provisions on proper conduct.)

**§9-102. Permit Required**

**It shall be unlawful for any person to solicit the sale of merchandise or the furnishing of a service within the city without first obtaining a permit therefor in compliance with the provisions of this chapter. Furthermore, no person shall solicit contributions or the sale of merchandise for a nonprofit organization unless the organization first obtains a permit therefor in compliance with this chapter.**

(Note: This section is essentially same language as current City Code §9-106, just placed earlier in the chapter for ease of use.)

**§9-103. Use of streets.**

~~No person holding a permit under this chapter shall have any exclusive right to any location in the public streets or be permitted a stationary location thereon, nor shall any such person be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, nor shall any such person be permitted to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purpose of this section the judgment of the city manager, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.~~

(Note: This section is part of proposed City Code §9-108. See subsection (9). Has been placed in a section along with other provisions on proper conduct.)

**§9-103. Application for permit (except non-profit organizations)**

**(a) Applicants for a permit under this chapter must file with the Utility Business Office a sworn written application, on a form provided by the City, which shall at a minimum contain the following:**

- (1) Name and physical description of the applicant. In the case of a nonprofit organization, a list of all proposed solicitors, if such a list is available.**
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.**
- (3) Personal identity information as may be required to conduct a thorough background check on the individual.**
- (4) A brief description of the nature of the business and any goods to be sold.**
- (5) If applicant is employed, the name, address and telephone number of the employer, together with credentials therefrom establishing the exact relationship and authority of the employee to act for the employer. If the person is acting as an agent, the name, address, and telephone number of the principal being represented shall be provided along with credentials establishing the relationship and the authority of the agent to act for the principal.**
- (6) The length of time for which the right to do business is desired.**
- (7) The names of at least two (2) reputable local property or business owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.**
- (8) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or ordinance violation other than traffic violations; the nature of the offense or violation; and the punishment or penalty assessed therefor, the date and location where such offense or violation occurred and other pertinent details thereof.**
- (9) Proof of possession of any permit or license which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or**

regulation, would exempt the applicant from the permitting requirements of this chapter.

- (10) **The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.**
- (11) **The applicant's consent for the City to conduct a background investigation, including a review of the applicant's criminal and civil records.**
- (b) **At the time of application, the applicant must cooperate in the recording of a digital photograph which will be placed on file and be used in the printing of the solicitor's permit, should such permit be approved.**
- (c) **Failure to provide all requested information, providing false information, or failure to authorize a background investigation will result in the denial of the application.**

(Note: This section is similar to current City Code §9-107, however, some provisions have been changed. Examples: provides for permission to conduct the broader background check, cooperation in the taking of a digital photograph, applications are submitted to the Utility Business Office and not the City Manager, etc.)

**§9-104. Exemptions from chapter.**

~~The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods and merchandise in the regular course of business.~~

(Note: This section is proposed City Code §9-112 and has been expanded.)

**§9-104. Application for non-profit permit**

- (a) **Applicants for a permit under this chapter for non-profit purposes must file with the Utility Business Office a sworn written application, on a form provided by the City, which shall at a minimum contain the following:**
  - (1) **Name of the non-profit organization represented, its principal address or place of business, tax exempt certification number and the nature of the beneficiaries of its efforts.**
  - (2) **The name, contact information and complete permanent home address and local address of a local representative of the organization who will be responsible for all canvassers; in the case of such not being local, the local address from which solicitations will be made, along with such personal identity information as may be required to conduct a thorough background check on that individual.**
  - (3) **A brief description of the nature of the solicitation.**
  - (4) **The length of time for which the permit is desired.**
  - (5) **The names, addresses and contact information of all canvassers to be involved in the effort and a statement by the local representative that all canvassers are personally known to be of good moral character and not to have been convicted of any felony, misdemeanor or ordinance violation**

**involving a sex offense, trafficking in controlled substances, theft, or any violent act against persons or property, or fraud, deceit or misrepresentation, or moral turpitude within the last ten (10) years.**

**(6) The applicant's consent for the City to conduct a background investigation, including a review of the applicant's criminal and civil records.**

**(b) Failure to provide all requested information, providing false information, or failure to authorize a background investigation will result in the denial of the application.**

(Note: This is a new section to set forth requirements for non-profit organizations. In current City Code §9-107, certain provisions are listed as not being applicable to non-profits. Having a separate code section will make it easier on non-profit organization applicants to know what is and what is not required for their permit.

~~§9-105. Penalty for violation of chapter.~~

~~Any person violating the provisions of this chapter shall, upon conviction, pay a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense and every day such violation continues shall constitute a separate offense.~~

(Note: This section is proposed City Code §9-113. The lower fine limit was removed.)

**§9-105. Fees**

**At the time of application, the applicant shall pay a non-refundable fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be established by resolution of City Council.**

(Note: Fees are covered by current City Code §9-108, however, this new section will establish the fees by resolution and not by ordinance, and clarify that the fee is non-refundable.)

~~§9-106. Permit required.~~

~~It shall be unlawful for any solicitor to solicit the sale of merchandise or the furnishing of a service within the city without first obtaining a permit therefor in compliance with the provisions of this chapter. Furthermore, no person shall solicit contributions or the sale of merchandise for a nonprofit organization unless the organization first obtains a permit therefor in compliance with this chapter.~~

(Note: This section is in proposed City Code §9-102.)

**§9-106. Investigation of Applicant; Issuance or Denial of Permit**

**(a) Upon receipt of the application and payment of the fee, the Utility Business Office shall cause an investigation to be made of the applicant's moral reputation or business responsibility and conduct a background investigation of the applicant. If the applicant's application is complete and the investigation is satisfactory, a permit shall be issued to the applicant. The permit shall be prepared by the City and shall include a current photo of the permittee. A list of all permits issued shall be kept for two (2) years from the date of issue.**

**(b) The City may deny the application for any of the following reasons:**

**(1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;**

- (2) An investigation reveals the applicant falsified information on the application;
  - (3) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, theft, or any violent act against persons or property within the last ten (10) years;
  - (4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the last ten (10) years;
  - (5) The applicant has been convicted of a crime of moral turpitude within the last ten (10) years;
  - (6) There is no proof of authority for the applicant to serve as an agent of the principal; or
  - (7) The applicant has been denied a permit under this chapter within the last year, unless the applicant can and does show to the satisfaction of the City that the reasons for such earlier denial no longer exist.
- (c) The reason(s) for denial of a permit shall be noted on the application and the applicant shall be notified that his or her application has been denied and that no permit will be issued. The notice shall also inform the applicant of the appeal process. Notice shall be mailed to the applicant's address as listed on the application.

(Note: This section is currently City Code §9-109, but this new version is an expansion of that provision to include reasons for denial.)

~~§9-107. Application for permit.~~

~~Applicants for a permit under this chapter must file with the city manager a sworn written application containing the following:~~

- ~~(1) Name and physical description of the applicant. In the case of a nonprofit organization, a list of all proposed solicitors or canvassers, if such a list is available.~~
- ~~(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.~~
- ~~(3) A brief description of the nature of the business and the goods to be sold.~~
- ~~(4) If applicant is employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship. This shall not apply to nonprofit organizations.~~
- ~~(5) The length of time for which the right to do business is desired.~~
- ~~(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant. This shall not apply to nonprofit organizations.~~
- ~~(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of~~

~~references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility. This shall not apply, however, to nonprofit organizations.~~

~~(8) — A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and the punishment or penalty assessed therefor. This shall not apply, however, to nonprofit organizations.~~

~~(9) — The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities. This shall not apply, however, to nonprofit organizations.~~

(Note: This information is contained in proposed City Code §9-103, with some modifications.)

### **§9-107. Bond**

**All solicitors requiring cash deposits shall furnish to the City a bond in the amount of ten (10) times the solicitor's highest deposit amount and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with the permittee that the merchandise purchased will be delivered according to the representations of the permittee. Action on the bond may be brought by any person aggrieved and for whose benefit the bond is given, but the surety may by paying the face amount of the bond pursuant to court order to the clerk of court in which the suit is commenced be relieved without costs of all further liability.**

(Note: This section is entirely new. Other Tennessee cities have a similar provision which is intended to provide additional security for citizens who purchase an item on deposit.)

### **§9-108. Fee.**

~~At the time of filing the application for a permit under this chapter, a fee of two dollars (\$2.00) for persons over sixteen (16) years of age and one dollar (\$1.00) for persons under sixteen (16) years of age shall be paid to the city to cover the cost of investigating the facts stated therein.~~

(Note: The new fee provision is in proposed City Code §9-104 and is proposed to now be set by resolution not ordinance.)

### **§9-108. Proper Conduct During Solicitation**

- (1) Hours of Solicitation. Solicitation is allowed between the hours of 9:00 a.m. and 9:00 p.m. from April through October and between the hours of 9:00 a.m. and 7:30 p.m. from November through March, it being the intent that door-to-door solicitation occur during daylight hours for safety and visibility of the solicitors and at times when citizens feel secure in their homes to receive unexpected visitors. Solicitation outside of these hours is a violation of this chapter.**
- (2) Not Transferrable. It is a violation of this chapter a permit issued under this chapter to be used at any time by any person or organization other than the one to whom it is issued.**
- (3) Display of Permit. Every person issued a permit under this chapter shall clearly display said permit on his or her person at all times while solicitation is in process and allow inspection of said permit by the occupant of the private premises upon**

which the person is soliciting. Further, every person issued a permit under this chapter shall produce the same at the request of any police officer or city employee. Failure to adhere to these requirement is a violation of this chapter.

- (4) **No Solicitation Signs.** It is a violation of this chapter and deemed to be trespass for any person, whether permitted or not, while conducting the business of a peddler or solicitor to fail to comply with posted signs such as “no solicitors,” “no peddlers,” “no solicitation,” and signs of similar meaning when posted on private property unless such person is or has been invited upon the premises by the occupant thereof.
- (5) **Trespass.** It is a violation of this chapter and deemed to be trespass for any permittee acting under this chapter to fail to promptly leave the private premises of any person who requests, asks or directs the permittee to leave.
- (6) **Aggressive Manner.** It is a violation of this chapter for permittees to act in any manner which could be reasonably be considered aggressive, coercive, threatening, harassing or abusive, such as using obscene or profane language, intimidation, or unwelcome physical contact.
- (7) **False or Misleading.** It is a violation of this chapter for permittees to knowingly make a false or misleading statement or representation in the course of soliciting. This includes, but is not limited to, stating that a donation is needed to meet a specific need when there are already sufficient funds to meet that need or stating that a donation is needed to meet a need that does not exist.
- (8) **Shouting, using horns, bells, etc.** No person holding a permit under this chapter, or any person on his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell.
- (9) **Use of Streets.** No person holding a permit under this chapter shall have any exclusive right to any location near the public streets or be permitted a stationary location thereon, nor shall any such person be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, nor shall any such person be permitted to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purpose of this section the judgment of the City Manager, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(Note: This provision is a combination of current City Code §9-102, §9-103, §9-110, and §9-111 with additions – hours, trespass, aggressive behavior, etc.)

~~§9-100. Investigation of applicant; issuance or refusal of permit.~~

~~Each application for a permit under this chapter shall be submitted to the city manager, who shall cause an investigation to be made of the applicant's moral reputation or business responsibility. If such reputation and business responsibility appear satisfactory, in the sole discretion of the city manager, then he or she shall issue a permit upon payment of all applicable privilege taxes; otherwise, the city manager shall deny the permit and shall so notify the applicant in writing. In no~~

~~case shall a permit be issued before the expiration of seven (7) days from the date of the application in order that a full investigation be made of the applicant. However, this shall not apply to renewal permits.~~

(Note: Similar language exists in proposed City Code §9-106.)

#### **§9-109. Expiration and Renewal of Permits**

**Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.**

(Note: Same language as in current City Code §9-112 without change.)

#### **§9-110. Permit to be used by permittee only.**

~~No permit issued under this chapter shall be used at any time by any person or organization other than the one to whom it is issued.~~

(Note: This provision is in proposed City Code §9-108(2)).

#### **§9-110. Revocation or Suspension of Permit**

- (1) Permits issued under the provisions of this chapter may be revoked by the City Manager, after notice and hearing, for any of the following causes:**
  - (a) Fraud, misrepresentation, or incorrect statement contained in the application (that was not revealed during the initial investigation), or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.**
  - (b) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.**
  - (c) Conviction of any crime, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, fraud, theft, deceit, misrepresentation or any violent act against persons or property within the last ten (10) years that was not revealed during the initial investigation or that occurred after the date of application;**
  - (d) Conviction of any crime involving moral turpitude within the last ten (10) years that was not revealed during the initial investigation or that occurred after the date of application; or**
  - (e) Any violation of this chapter.**
- (2) Notice of the hearing for revocation of a permit under this section shall be given by the City Manager in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at the**

**address listed on the application at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.**

- (3) When reasonably necessary in the public interest, the City Manager may suspend a permit issued under this chapter pending the revocation hearing.**
- (4) No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the date of revocation.**

(Note: This is the same language as in current City Code §9-113 with some expansion of language pertaining to convictions.)

~~§9-111. Exhibition of permit.~~

~~Every person holding a permit under this chapter shall exhibit his or her permit at the request of any police officer or citizen.~~

(Note: This provision is in proposed City Code §9-108(3).)

**§9-111. Appeal**

- (1) Any person aggrieved by the action or decision to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application.**
- (2) An appeal shall be taken by filing with the City Manager a written statement setting forth the grounds for the appeal.**
- (3) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.**
- (4) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.**
- (5) The decision of the City Manager on the appeal shall be final and binding on all parties concerned.**

(Note: This is a new provision allowing an avenue for appeal to the City Manager is an application is denied, suspended or revoked.)

~~9-112. Expiration and renewal of permit.~~

~~Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.~~

(Note: This is the same language as in proposed City Code §9-109 without change.)

## §9-112. Exemptions

The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, sellers responding to a prior invitation by the owner or occupant of a residence, or to bona fide candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency. The provisions of this chapter are also not applicable to persons under the age of eighteen (18) excepting when they are agents of a for-profit organization.

Any other person or organization claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a fee, shall cite to the Utility Business Office the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption

(Note: This provision is an expansion of current City Code §9-104.)

## §9-113. Revocation or suspension of permit.

- (1) ~~Permits issued under the provisions of this chapter may be revoked by the city manager, after notice and hearing, for any of the following causes:~~
  - (a) ~~Fraud, misrepresentation, or incorrect statement contained in the application for the permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.~~
  - (b) ~~Any violation of this chapter.~~
  - (c) ~~Conviction of any crime or misdemeanor.~~
  - (d) ~~Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.~~
- (2) ~~Notice of the hearing for revocation of a permit under this section shall be given by the city manager in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his or her last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.~~
- (3) ~~When reasonably necessary in the public interest, the city manager may suspend a permit issued under this chapter pending the revocation hearing.~~
- (4) ~~No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation.~~

(Note: This is the same language as in proposed City Code §9-110 with some expansion of language pertaining to convictions.)

**§9-113. Violations.**

**Any person violating the provisions of this chapter shall, upon conviction, pay a fine not to exceed fifty dollars (\$50.00) for each offense. Every day such violation continues shall constitute a separate offense.**

(Note: This is similar to current City Code §9-105, but changed to eliminate the lower fine limit.)

TITLE

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESSES, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," AND SUBSTITUTING THEREFOR A NEW CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," IN ORDER TO UPDATE THE PROVISIONS.

WHEREAS, the City of Oak Ridge desires to update the provisions on door-to-door solicitations, peddling, and canvassing to provide for clarification of provisions and to increase public safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, Title 9, titled "Businesses, Peddlers, Solicitors, Etc.," is hereby amended by deleting Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," in its entirety and substituting therefor a new Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," which new chapter shall read as follows:

**Chapter 1  
Peddlers, Solicitors and Itinerant Merchants**

**§9-101. Definitions**

Whenever used in this chapter, unless the context requires otherwise, the following definitions shall apply:

"City Manager" means the City Manager of this city or the City Manager's duly authorized designee.

"Merchandise" means and includes all personal property of whatever kind, whether tangible or intangible, including but not limited to, goods, wares, produce, insurance, stocks and bonds.

"Non-profit organization" means and includes any non-profit organization as defined by and qualified under the rules and regulations of the Internal Revenue Service.

"Permittee" means the person holding a valid permit issued under this chapter.

Solicit" means and includes offering merchandise for sale, barter or exchange, whether for present or future delivery, or in any manner disposing of personal property by peddling or hawking the same.

Solicitor" means and includes peddler, huckster or itinerant merchant and all persons of any age who solicit, attempt to solicit, sell, barter, exchange or offer to sell, barter or exchange, and includes person soliciting on behalf of a nonprofit organization.

**§9-102. Permit Required**

It shall be unlawful for any person to solicit the sale of merchandise or the furnishing of a service within the city without first obtaining a permit therefor in compliance with the provisions of this chapter. Furthermore, no person shall solicit contributions or the sale of merchandise for a nonprofit organization unless the organization first obtains a permit therefor in compliance with this chapter.

**§9-103. Application for permit (except non-profit organizations)**

- (a) Applicants for a permit under this chapter must file with the Utility Business Office a sworn written application, on a form provided by the City, which shall at a minimum contain the following:
- (1) Name and physical description of the applicant. In the case of a nonprofit organization, a list of all proposed solicitors, if such a list is available.
  - (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
  - (3) Personal identity information as may be required to conduct a thorough background check on the individual.
  - (4) A brief description of the nature of the business and any goods to be sold.
  - (5) If applicant is employed, the name, address and telephone number of the employer, together with credentials therefrom establishing the exact relationship and authority of the employee to act for the employer. If the person is acting as an agent, the name, address, and telephone number of the principal being represented shall be provided along with credentials establishing the relationship and the authority of the agent to act for the principal.
  - (6) The length of time for which the right to do business is desired.
  - (7) The names of at least two (2) reputable local property or business owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.
  - (8) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or ordinance violation other than traffic violations; the nature of the offense or violation; and the punishment or penalty assessed therefor, the date and location where such offense or violation occurred and other pertinent details thereof.
  - (9) Proof of possession of any permit or license which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the permitting requirements of this chapter.
  - (10) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
  - (11) The applicant's consent for the City to conduct a background investigation, including a review of the applicant's criminal and civil records.
- (b) At the time of application, the applicant must cooperate in the recording of a digital photograph which will be placed on file and be used in the printing of the solicitor's permit, should such permit be approved.

- (c) Failure to provide all requested information, providing false information, or failure to authorize a background investigation will result in the denial of the application.

**§9-104. Application for non-profit permit**

- (a) Applicants for a permit under this chapter for non-profit purposes must file with the Utility Business Office a sworn written application, on a form provided by the City, which shall at a minimum contain the following:
  - (1) Name of the non-profit organization represented, its principal address or place of business, tax exempt certification number and the nature of the beneficiaries of its efforts.
  - (2) The name, contact information and complete permanent home address and local address of a local representative of the organization who will be responsible for all canvassers; in the case of such not being local, the local address from which solicitations will be made, along with such personal identity information as may be required to conduct a thorough background check on that individual.
  - (3) A brief description of the nature of the solicitation.
  - (4) The length of time for which the permit is desired.
  - (5) The names, addresses and contact information of all canvassers to be involved in the effort and a statement by the local representative that all canvassers are personally known to be of good moral character and not to have been convicted of any felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, theft, or any violent act against persons or property, or fraud, deceit or misrepresentation, or moral turpitude within the last ten (10) years.
  - (6) The applicant's consent for the City to conduct a background investigation, including a review of the applicant's criminal and civil records.
- (b) Failure to provide all requested information, providing false information, or failure to authorize a background investigation will result in the denial of the application.

**§9-105. Fees**

At the time of application, the applicant shall pay a non-refundable fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be established by resolution of City Council.

**§9-106. Investigation of Applicant; Issuance or Denial of Permit**

- (a) Upon receipt of the application and payment of the fee, the Utility Business Office shall cause an investigation to be made of the applicant's moral reputation or business responsibility and conduct a background investigation of the applicant. If the applicant's application is complete and the investigation is satisfactory, a permit shall be issued to the applicant. The permit shall be prepared by the City and shall include a current photo of the permittee. A list of all permits issued shall be kept for two (2) years from the date of issue.
- (b) The City may deny the application for any of the following reasons:

- (1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
  - (2) An investigation reveals the applicant falsified information on the application;
  - (3) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, theft, or any violent act against persons or property within the last ten (10) years;
  - (4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the last ten (10) years;
  - (5) The applicant has been convicted of a crime of moral turpitude within the last ten (10) years;
  - (6) There is no proof of authority for the applicant to serve as an agent of the principal; or
  - (7) The applicant has been denied a permit under this chapter within the last year, unless the applicant can and does show to the satisfaction of the City that the reasons for such earlier denial no longer exist.
- (c) The reason(s) for denial of a permit shall be noted on the application and the applicant shall be notified that his or her application has been denied and that no permit will be issued. The notice shall also inform the applicant of the appeal process. Notice shall be mailed to the applicant's address as listed on the application.

#### **§9-107. Bond**

All solicitors requiring cash deposits shall furnish to the City a bond in the amount of ten (10) times the solicitor's highest deposit amount and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with the permittee that the merchandise purchased will be delivered according to the representations of the permittee. Action on the bond may be brought by any person aggrieved and for whose benefit the bond is given, but the surety may by paying the face amount of the bond pursuant to court order to the clerk of court in which the suit is commenced be relieved without costs of all further liability.

#### **§9-108. Proper Conduct During Solicitation**

- (1) Hours of Solicitation. Solicitation is allowed between the hours of 9:00 a.m. and 9:00 p.m. from April through October and between the hours of 9:00 a.m. and 7:30 p.m. from November through March, it being the intent that door-to-door solicitation occur during daylight hours for safety and visibility of the solicitors and at times when citizens feel secure in their homes to receive unexpected visitors. Solicitation outside of these hours is a violation of this chapter.
- (2) Not Transferrable. It is a violation of this chapter a permit issued under this chapter to be used at any time by any person or organization other than the one to whom it is issued.
- (3) Display of Permit. Every person issued a permit under this chapter shall clearly display said permit on his or her person at all times while solicitation is in process and allow inspection of said permit by the occupant of the private premises upon which the person

is soliciting. Further, every person issued a permit under this chapter shall produce the same at the request of any police officer or city employee. Failure to adhere to these requirements is a violation of this chapter.

- (4) No Solicitation Signs. It is a violation of this chapter and deemed to be trespass for any person, whether permitted or not, while conducting the business of a peddler or solicitor to fail to comply with posted signs such as "no solicitors," "no peddlers," "no solicitation," and signs of similar meaning when posted on private property unless such person is or has been invited upon the premises by the occupant thereof.
- (5) Trespass. It is a violation of this chapter and deemed to be trespass for any permittee acting under this chapter to fail to promptly leave the private premises of any person who requests, asks or directs the permittee to leave.
- (6) Aggressive Manner. It is a violation of this chapter for permittees to act in any manner which could be reasonably be considered aggressive, coercive, threatening, harassing or abusive, such as using obscene or profane language, intimidation, or unwelcome physical contact.
- (7) False or Misleading. It is a violation of this chapter for permittees to knowingly make a false or misleading statement or representation in the course of soliciting. This includes, but is not limited to, stating that a donation is needed to meet a specific need when there are already sufficient funds to meet that need or stating that a donation is needed to meet a need that does not exist.
- (8) Shouting, using horns, bells, etc. No person holding a permit under this chapter, or any person on his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell.
- (9) Use of Streets. No person holding a permit under this chapter shall have any exclusive right to any location near the public streets or be permitted a stationary location thereon, nor shall any such person be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, nor shall any such person be permitted to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purpose of this section the judgment of the City Manager, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

#### **§9-109. Expiration and Renewal of Permits**

Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.

**§9-110. Revocation or Suspension of Permit**

- (1) Permits issued under the provisions of this chapter may be revoked by the City Manager, after notice and hearing, for any of the following causes:
  - (a) Fraud, misrepresentation, or incorrect statement contained in the application (that was not revealed during the initial investigation), or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.
  - (b) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
  - (c) Conviction of any crime, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, fraud, theft, deceit, misrepresentation or any violent act against persons or property within the last ten (10) years that was not revealed during the initial investigation or that occurred after the date of application;
  - (d) Conviction of any crime involving moral turpitude within the last ten (10) years that was not revealed during the initial investigation or that occurred after the date of application; or
  - (e) Any violation of this chapter.
- (2) Notice of the hearing for revocation of a permit under this section shall be given by the City Manager in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at the address listed on the application at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.
- (3) When reasonably necessary in the public interest, the City Manager may suspend a permit issued under this chapter pending the revocation hearing.
- (4) No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the date of revocation.

**§9-111. Appeal**

- (1) Any person aggrieved by the action or decision to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application.
- (2) An appeal shall be taken by filing with the City Manager a written statement setting forth the grounds for the appeal.
- (3) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- (4) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

- (5) The decision of the City Manager on the appeal shall be final and binding on all parties concerned.

**§9-112. Exemptions**

The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, sellers responding to a prior invitation by the owner or occupant of a residence, or to bona fide candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency. The provisions of this chapter are also not applicable to persons under the age of eighteen (18) excepting when they are agents of a for-profit organization.

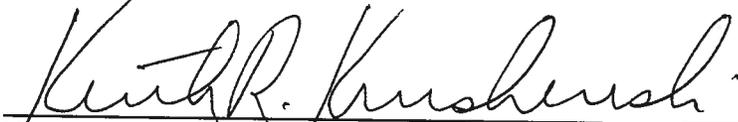
Any other person or organization claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a fee, shall cite to the Utility Business Office the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption

**§9-113. Violations.**

Any person violating the provisions of this chapter shall, upon conviction, pay a fine not to exceed fifty dollars (\$50.00) for each offense. Every day such violation continues shall constitute a separate offense.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**FINAL ADOPTION  
OF  
ORDINANCES**

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM**  
**12-27**

DATE: August 28, 2012

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director *KAB*

FROM: Monica Austin Carroll, Community Development Division Manager *MAC*

SUBJECT: **Request to Rezone Parcel 41.00, Anderson County Control Map 100P, Group F Parcel 41.00 from O-2 PUD to UB-2**

An item for the City Council agenda is a request to rezone 107 Potomac Circle from O-2 Planned Unit Development (PUD) to UB-2, Unified General Business. The rezoning is being requested for a convenience store. At their regular meeting on August 23, 2012, the Planning Commission recommended approval of the rezoning by a vote of 7-3 contingent upon the applicant providing a traffic impact study. The traffic impact study will be reviewed by Steve Byrd, City Engineer, with a recommendation from the Traffic Safety Advisory Board (TSAB) approved by City Council resolution prior to second and final reading.

The Illinois Avenue Corridor Study which was approved by the Planning Commission and City Council, recommended that the property which fronts on South Illinois Avenue, from Quincy Avenue to Rutgers Avenue, be considered for commercial development. The current PUD plan limited the use of the property to a three-story hotel and addressed design components to mitigate offsite impact such as dark sky lighting, landscape buffers, building materials, and ingress/egress limitations based on an approved traffic study. Many of the design issues memorialized in the PUD plan are now required performance criteria of Article XII of the Zoning Ordinance and will be included on site.

In 2008, City Council approved a full-use access for the proposed hotel. Traffic trip generation data was provided for the hotel which was the basis for approval due to anticipated low traffic volumes and difficulty accessing desired frontage roads or adjacent properties. It was determined that the proposed hotel would have trip distributions spread out throughout the day and would not have a "real" peak traffic hour coinciding with the Illinois Avenue peak periods. However, City staff has some concerns that uses associated with the proposed zone district, specifically a convenience store and associated traffic, would have an a.m. and p.m. peak traffic period occurring simultaneous with the Illinois Avenue peak traffic period.

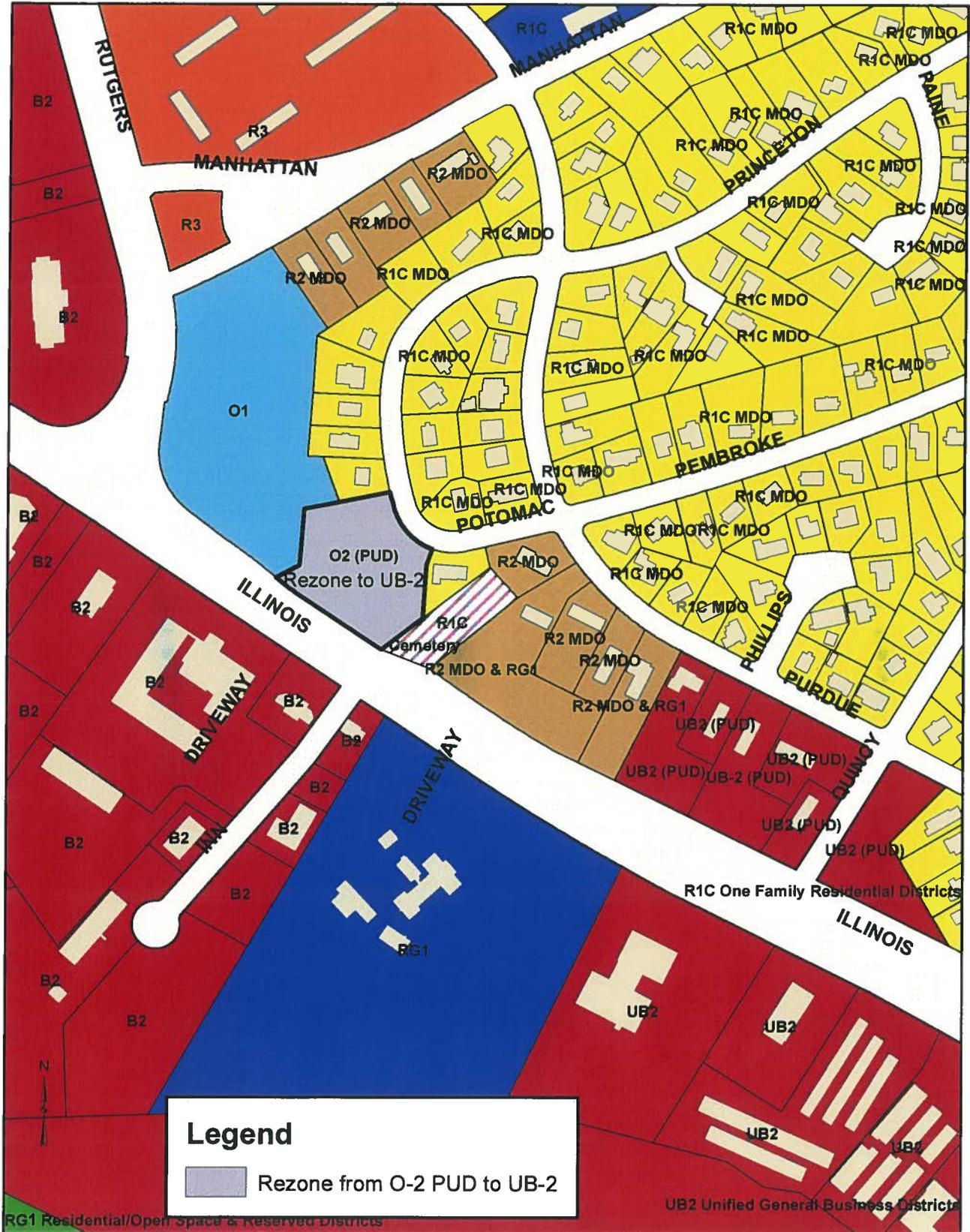
The staff finds the rezoning to be in compliance with the Land Use Plan, consistent with the existing uses within the area, and appropriate for the proposed use. It should be noted that all the land use designations included in the UB-2, Unified General Business District, will be allowed, although the proposed use is probably the most intense allowable use.

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

*Mark S. Watson*      *9-5-2012*  
Mark S. Watson      Date

# Zoning Map in Area Of Property to be Considered for Rezoning Map 100P, Group F, Parcel 41.00



1 inch = 300 feet

**Date:** August 23, 2012

**Staff Review of Rezoning Request**

**Location & Approximate Area:** Located between Potomac Circle and South Illinois Avenue, next to the TN Bank location at 401 South Illinois Avenue; Lot 19, Block 21-CB or Tax Map No. 100P, Group F, Parcel 41.00, approximately 1.539 acres.

**Owner:** Shailesh Patel  
206 South Illinois Avenue  
Oak Ridge, TN 37830

**Applicant:** BCS Land Company, LLC  
P.O. Box 650  
Powell, TN 37849

**Request Rezoning:**

Rezone Parcel 41.00, Control Map 100P, Group F, approx. 1.539 acres from O-2, Office Planned Unit Development to UB-2, Unified General Business.

**Site Characteristics:**

The site was previously comprised of three lots with a single-family house on each lot. The property was cleared and combined into one lot in anticipation of constructing a hotel.

**Adjacent Land Uses & Zoning:**

**North:** TnBank zoned O-1, detached single family homes on Potomac Circle zoned R-1-C/MDO

**West:** Across South Illinois Avenue, Carden Rentals office, Outback Steakhouse, TK Wheeler Jewelers, zoned B-2

**South:** Cemetery, zoned R-1-C

**East:** Detached single-family homes zoned R-1-C with MDO overlay to reduce setback requirements.

**Previous Rezoning Requests:** September 2006 – Request to rezone from R-1-C/MDO to R-3 PUD failed. September 2007 – rezoned from R-1-C/MDO, One-Family Residential to O-2, Office Planned Unit Development (PUD)

**Background:**

**Purpose:** The applicant's stated plan for development is for a convenience store.

**Conformity with 1988 Comprehensive Plan:**

a. **Land Use Plan:** The Land Use Plan designates the area proposed for rezoning as B, General Business.

b. **Applicable Policies:**

Policy L-7: To the extent possible, commercial development which is located along Oak Ridge's arterial streets will be in unified centers with shared access to those roadways.

Policy L-8: The City will promote the location of intensively-designed retail, service, office, hotel, multiple-family residential and civic activities in the Turnpike-Illinois-Rutgers vicinity and in the Jackson Square - Jackson Plaza vicinity while allowing

appropriately located and designed neighborhood shopping centers.

Policy L-11: The City will locate new industrial and office areas and enforce site design standards to ensure that residential neighborhoods are protected from the adverse effects of those activities.

### **South Illinois Corridor Study**

The recommended land uses include small commercial entities, service establishments and mixed-use developments with a maximum height of three stories. The recommended zoning district is TND, a “form based” code allowing uses that are a combination of commercial and residential. Recommended building materials include stone, brick and EIFS. Vegetative buffers and landscaped berms are recommended screens between commercial service areas and residential neighborhoods.

### **Analysis:**

The following criteria were used to evaluate the rezoning request.

**1) Is the proposed zoning district consistent with the City’s Comprehensive Plan?**

The proposed zoning district is consistent with the General Business land use designation and general policies within the Comprehensive Plan as listed above.

**2) Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**

The adjacent area has been developed as commercial along South Illinois Avenue and residential on Potomac Circle.

**3) Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?**

Consideration has to be given to all of the allowable uses within the UB-2 Zoning District. The primary safety concern for any access along South Illinois Avenue is the left-turns in and left-turns out during a.m. and p.m. peak traffic periods. The proposed use, convenience store, would probably be the greatest traffic generator for this district.

**4) Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**

No, this is an area of mixed zoning including O-1, B-2, UB-2, R-2, and R-1-C.

**5) Are public facilities and services adequate to accommodate the proposed zoning district?**

Public utilities are adequate. The proximity to the Rutgers Avenue intersection and the new red light installation for Woodland Town Center will cause difficulty with making left turns in and out of the property.

**6) Would the requested rezoning have environmental impacts?**

No

**Neighborhood Position:** To date we have not heard any comments from the adjacent property owners.

**Landscaping/Buffering requirements:** If new construction takes place, at least 20% of the site must remain in green space which includes site trees throughout the site and street trees along South Illinois Avenue and Potomac Circle. Additional landscaped buffers are required between commercial and residential use.

**Notification of Property Owners Within 200':** August 9, 2012

**Rezoning signs posted:** August 10, 2012

**Conclusion and Planning Staff Recommendation:**

In the fall of 2006 a request was made by the current property owner to rezone the site in question from R-1-C/MDO to R-3 PUD. The request was denied and City Council made a request for the Planning Commission to conduct a study of existing land use patterns and potential zone districts for the area adjacent South Illinois Avenue between Rutgers Avenue and Lafayette Drive. Staff prepared the Illinois Avenue Corridor Study, which was approved by both the Planning Commission and City Council. The Corridor Study recognized the developmental demand on property adjacent a roadway with 37,000+ vehicles a day. The recommendation was that the property, which fronts on South Illinois Avenue, from Quincy Avenue to Rutgers Avenue, be considered for commercial development. Subsequent to approval of the Corridor Study in the fall of 2007 the property was rezoned from R-1-C/MDO to O-2 with a Planned Unit Development (PUD) overlay.

Utilization of the property was limited to a hotel with a maximum of three floors. The PUD plan also identified various design components to mitigate offsite impact including: dark sky lighting, heavy landscape buffers, architectural building materials, and ingress/egress limitations based on an approved traffic study. Many of the design issues memorialized in the PUD plan are now addressed as minimum performance criteria in Article XIII of our design guidelines, including buffers, dark sky lighting, and architectural building materials. However, potential traffic issues must be addressed separately.

In 2008, City Council approved a full-use access for the proposed hotel. Traffic trip generation data was provided for the hotel which was the basis for approval due to anticipated low traffic volumes and difficulty accessing desired frontage roads or adjacent properties to the north and south. It was determined that the proposed hotel would have trip distributions spread out throughout the day and would not have a "real" peak traffic hour coinciding with the Illinois Avenue peak periods.

Last month, during the staff pre-submittal meeting, representatives for the proposed convenience store indicated they would be requesting a full-use access to South Illinois Avenue. City Engineer, Steve Byrd, expressed concern that uses associated with the proposed zone district, specifically a convenience store and associated traffic, would have an a.m. and p.m. peak traffic

period occurring simultaneous with the Illinois Avenue peak traffic period. It is estimated that this proposed use could generate trips greater than 200 during the a.m. and p.m. peak traffic periods and “heavy” traffic throughout the day.

In summary, the proposed zone change is an increase in the intensity of commercial land uses. However, similar commercial uses have been approved just south of this site, although greater attention has been given to design issues utilizing a PUD overlay, which is not proposed here. This would include hours of operation and joint access easements. In addition, Commission members must consider all the land use designations included in the UB-2, Unified General Business District, although the use proposed is probably the most intense allowable use.

In the event Commission members vote to recommend approval of the zone change request based on proposed land uses, a traffic impact study prepared by a licensed traffic engineer should be required, and reviewed by Steve Byrd, City Engineer with a recommendation by the Traffic Safety Advisory Board (TSAB). Results of the traffic study and the TSAB recommendation should accompany the rezoning request to City Council, for concurrent consideration with the request to rezone the property from O-2, Office with a Planned Unit Development (PUD) overlay to UB-2, Unified General Business District.

**TITLE**

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 41.00, MAP 100P, GROUP F, (FORMERLY LOT 19, BLOCK 21-CB) FROM O-2/PUD, OFFICE PLANNED UNIT DEVELOPMENT TO UB-2, UNIFIED GENERAL BUSINESS.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE TENNESSEE:

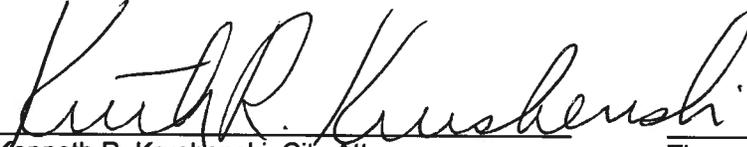
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 41.00, Map 100P, Group F (approx. 1.539 acres)	Between Potomac Circle and South Illinois Avenue	O-2/PUD, Office Planned Unit Development	UB-2, Unified General Business

Section 2. The change shall be imposed upon said map and shall be as much a part of Ordinance No. 2 as if fully described therein.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
 \_\_\_\_\_  
 Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
 Thomas L. Beehan, Mayor

\_\_\_\_\_  
 Diana R. Stanley, City Clerk

Publication Date: 08/23/2012  
 Public Hearing: 09/10/2012  
 First Reading: 09/10/2012  
 Publication Date: 09/17/2012  
 Second Reading: 10/08/2012  
 Publication Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

**COMMUNITY DEVELOPMENT MEMORANDUM  
CODE ENFORCEMENT DIVISION  
12-26**

DATE: August 29, 2012  
TO: Mark Watson, City Manager  
THROUGH: Kathryn G. Baldwin, Community Development Director   
FROM:  Denny J. Boss, Code Enforcement Supervisor  
RE: **ORDINANCE AMENDMENTS TO ADOPT NEW CODES**

Items for the agenda are five (5) ordinance amendments to the City Code to continue to maintain compliance with the requirements of the State. The State of Tennessee Department of Commerce and Insurance, Division of Fire Prevention has noted that cities may be seven (7) years behind the most current edition of the building and fire codes available. Currently, the City of Oak Ridge utilizes the following code editions:

- 2006 International Building Code
- 2006 International Fire Code
- 2008 National Electrical Code
- 2006 International Plumbing Code
- 1999 North Carolina Accessibility Code; 2002 and 2004 Amendments

Several organizations encourage the adoption and enforcements of the most current codes, including: the International Code Council (ICC), the National Fire Protection Association (NFPA), the Insurance Services Organization (ISO) administrators of the Building Code Effective Grading System (BCEGS). City Staff is recommending the adoption of the following codes for compliance:

- 2012 International Fire Code
- 2011 National Electrical Code
- 2012 International Plumbing Code
- 2009 International Energy Conservation Code (IECC)
- 2009 Accessible and Usable Buildings and Facilities ICC A117.1-Code  
(North Carolina Accessibility Code is no longer available and this is the latest version of the ICC A117.1 Code).

The 2009 IECC is an energy code new to the City of Oak Ridge and a requirement of the State of Tennessee. Previously, Chapter 11 of the 2006 International Residential Code was used for energy conservation. In addition, all cities in our region, and across the state, have the same state requirements and are in the process of adoption or planning for adoption.

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. This will provide staff adequate time to schedule meetings with our development community and local contractors. This time will be used to share information and provide training to ensure a clear understanding of the revised code standards, and offer staff assistance during initial implementation. Additional codes are being evaluated and will be on the October City Council agenda.

Adoption of the codes will provide a mechanism to ensure the most efficient and effective methods of creating a safe, sustainable, and efficient community for residents, while maintaining compliance with the State of Tennessee.

City staff recommends approval of the attached five (5) ordinances.

Attachments

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S Watson      9-5-2012

Mark Watson

Date

**CODES TO BE CONSIDERED FOR FIRST READING BY CITY COUNCIL  
SEPTEMBER 10, 2012**

The following codes are scheduled for first reading by City Council on September 10, 2012.

2012 International Fire Code  
(Current version: 2006 International Fire Code)

2011 National Electric Code  
(Current version: 2008 National Electric Code)

2012 International Plumbing Code  
(Current version: 2006 International Plumbing Code)

2009 International Energy Conservation Code  
(Current version: none, this one is new)

Accessible and Usable Buildings and Facilities ICC A117.1-2009  
(Current version: North Carolina Accessibility Code, which is no longer in use)

A bold/strikethrough of each code is attached to show the changes in the City Code from the existing codes to the new codes. While the Fire Code has few changes, it was decided to go ahead and replace the entire chapter so that it would be easier for MTAS to update the Fire Code and give less opportunity for errors.

Title 7  
Fire Protection and Fireworks

Chapter 1  
Fire Code

Sec. 7-101. International Fire Code adopted.

The International Fire Code, ~~2006~~ **2012** edition, and all subsequent amendments to the ~~2006~~ **2012** edition, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Sec. 7-102. Updated National Fire Protection Association standards.

Upon issuance of updated National Fire Protection Association standards, referenced in the International Fire Code, the updated National Fire Protection Association standards shall be used. The city manager or the city manager's designee shall be responsible for determining the "current" standard to be applied.

Sec. 7-103. Definitions.

- (1) Wherever the word "municipality" is used in the International Fire Code adopted by this chapter, it shall be held to mean the City of Oak Ridge.
- (2) Wherever the term "corporation counsel" is used in the International Fire Code adopted by this chapter, it shall be held to mean the attorney for the city.

Sec. 7-104. Revisions.

The following sections of the International Fire Code are hereby revised:

- (1) Section 101.1. Insert: City of Oak Ridge, Tennessee for the name of the jurisdiction.
- (2) Section 111.4. Insert: \$0.00 for the first amount and \$50.00 for the second amount.
- (3) Section ~~508.5.1~~ **507.5.1**. Delete the text of this section in its entirety and replace with the following language:
  - (a) Fire hydrants, where required; Residential.  
  
The maximum distance between fire hydrants, measured along street centerlines, shall be 450 feet.
  - (b) Fire hydrants, where required; Non-Residential.  
  
On roadways, the maximum distance between fire hydrants, measured along street centerlines, shall be 1000 feet.  
  
In addition, no point on the exterior of a commercial building may be more than 500 feet from an approved fire hydrant.

In addition, in buildings required to have a sprinkler fire protection system installed, one accessible hydrant (either public or private) will be located not more than 100 feet from the fire siamese connection. For buildings with a sprinkler system, there will be one accessible hydrant provided on each of two opposing sides of the building. The hydrant required for the sprinkler system may be counted as one of these hydrants. There shall be additional hydrants provided to meet the requirement of a maximum 500-foot distance between a hydrant and any part of the building first floor. The hydrant(s) will be situated not less than two feet and not more than 10 feet from the curb of an access road, parking area, or public road. If situated in a parking area, there will be an area of NO PARKING marked around the hydrant for an area of 15 feet on all sides.

Example: A non-residential building of a 20,000 square feet area, sprinklered, would need a minimum of two hydrants (one within 100 feet of the sprinkler siamese connection and one on the opposing side of the building).

Paved access of a minimum of 20 feet in width shall be required within 100 feet of two sides of each non-residential building. Paved access roads shall be required to be within ten feet of each required fire hydrant.

Emergency access to each side of all buildings three or more stories in height shall be provided by means of an unobstructed area of at least 12 feet in width which would support the weight of a fire ladder truck. This area is not required to be a permanent roadway, but must be accessible during an emergency. Prior to completion of grading and landscaping design, the Fire Department should be consulted.

#### Sec. 7-105. Replacements.

The square footage amounts referred to in certain sections of the International Fire Code are hereby deleted and replaced as follows:

- (1) In Sections 903.2.1.1, 903.2.1.3, **and 903.2.1.4, 903.2.8.1 and 903.2.8.2** of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.
- (2) In Section 903.2.3, ~~903.2.6, and 903.2.8~~ of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold **in Educational Occupancies**), replace the number 12,000 with the number 10,000, ~~and replace the number 24,000 with the number 20,000.~~
- ~~(3) In Section 903.2.2 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 20,000 with the number 10,000.~~
- (3) **In Sections 903.2.4, and 903.2.7 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000, and replace the number 24,000 with the number 20,000.**
- (4) **In Sections 903.2.9, 903.2.9.1, and 903.2.10 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.**

Sec. 7-106. Sprinkler Requirements.

Sprinkler requirements are set forth in Title 12, Chapter 2, of the Code of Ordinances.

Sec. 7-107. Geographic Limits.

The geographic limits referred to in certain sections of the International Fire Code are hereby established as follows:

- (1) Section ~~3204.3.1.1~~ **5504.3.1.1** (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, ~~and FIR and IMDO.~~
- (2) Section ~~3404.2.9.5.1~~ **5704.2.9.6.1** (geographic limits in which the storage of Class I and Class II liquids in outside above-ground tanks is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, ~~and FIR and IMDO.~~

Flammable or combustible liquids in Zones other than IND1, IND2, IND3, ~~or FIR or IMDO.~~ This use may be allowed on review by the fire chief. Approval will depend upon an engineering analysis of the hazards involved with the use and the location of the tank with respect to property exposures.

- (3) Section ~~3406.2.4.4~~ **5706.2.4.4** (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3 ~~and FIR and IMDO.~~

Flammable or combustible liquids in Zones other than IND1, IND2, IND3, ~~or FIR or IMDO.~~ This use may be allowed on review by the fire chief. Approval will depend upon an engineering analysis of the hazards involved with the use and the location of the tank with respect to property exposures.

- (4) Section ~~3804.2~~ **6104.2** (geographic limits in which the storage of liquefied petroleum gas is restricted): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, ~~FIR and IMDO.~~

Sec. 7-108. Appeals.

Appeals are made to the Board of Building and Housing Code Appeals and the process is set forth in Title 12, Chapter 2, of the Code of Ordinances.

Sec. 7-109. Fireworks – discharge prohibited without a permit.

The discharge of fireworks is prohibited within the City Limits without a permit, as set forth in Chapter ~~33~~ **56**, Explosives and Fireworks, of the International Fire Code.

**Sec. 7-110. Violations.**

Section 109.3 of the International Fire Code is deleted in its entirety and replaced with the following provisions:

- (1) Any person who shall violate any of the provisions of the International Fire Code adopted by this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Title 12  
Building, Utility, Etc. Codes

Chapter 4  
Electrical Code

Sec. 12-405. National Electrical Code Adopted.

The National Electrical Code, ~~2008~~ **2011** edition, is hereby adopted by reference and shall become a part of The Electrical Code of the City of Oak Ridge as if copied herein verbatim, except as such code may be in conflict with other provisions of The Electrical Code of the City of Oak Ridge, in which event such other provisions shall prevail.

**Note:** The current City Code printed and online edition shows the Electrical Code as being in Chapter 3. The Electrical Code was moved to Chapter 4 by adoption of Ordinance No. 4-11 when the Trade Licensing Board was created. The City's website has a link to that ordinance so the public has access to the correct chapter information.

Title 12  
Building, Utility, Etc. Codes

Chapter 7  
Plumbing Code – Generally

Sec. 12-705. International Plumbing Code Adopted.

The International Plumbing Code, 2006 **2012** edition, is hereby adopted by reference and shall become a part of the plumbing code as if copied herein verbatim, except as such code may be in conflict with other provisions of the plumbing code, in which event such other provisions shall prevail.

Sec. 12-706. International Plumbing Code – Amendments.

The International Plumbing Code as adopted by §12-705 is amended as set out in this section.

All references to section numbers in the text of this section shall be construed as if followed by the words "of the International Plumbing Code," unless the context clearly indicates otherwise.

Section 101.1 Title.

Insert "City of Oak Ridge, Tennessee" for name of jurisdiction.

Section ~~305.6.4~~ **305.4.1** Sewer depth.

Insert "twelve" in both places for the number of inches, and delete all references to "(mm)."

Section ~~904.1~~ **903.1** Roof extension.

Insert "twelve" in place of the number of inches, and delete the first reference to "(mm)."

Title 12  
Building, Utility, Etc. Codes

**Chapter 12**  
**Energy Conservation Code**

**Sec. 12-1201. International Energy Conservation Code Adopted.**

**The International Energy Conservation Code, 2009 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, and shall be known as the “Energy Conservation Code.”**

**Chapters 13, 14 and 15**  
**Reserved for Future Use**

**Chapter 16**  
**Citations and Ordinance Summonses**

**Note:** Citations and Ordinances Summonses is currently in Chapter 12 (relocated from Chapter 13 by Ordinance No. 4-11). In order to keep all codes that have been adopted by reference in title 12 together, the City proposes to relocate this chapter and designate Chapter 12 as the Energy Conservation Code. In order to avoid this situation in the future, the City is reserving three chapters for future use.

Title 12  
Building, Utility, Etc. Codes

Chapter 1  
Building Accessibility by Physically Disabled Persons

Sec. 12-103. Minimum specifications.

Any public building which is constructed, enlarged or substantially altered or repaired after the effective date of this ordinance shall be designed and constructed pursuant to specifications, approved by the responsible authority, making such building accessible to and usable by persons with disabilities. The minimum specifications shall be the ~~1999 edition of the North Carolina Accessibility Code, with the 2002 and 2004 amendments thereto~~ **Accessible and Usable Buildings and Facilities ICC A117.1-2009 Code**, which ~~are~~ **is** hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

The minimum specifications for a project shall be those in effect at the time the project is submitted to the responsible authority for final approval of the construction, enlargement, alteration or repair.

All auditoriums, theaters, gymnasiums, stadiums and other public entertainment facilities must provide accommodations in level or nearly level locations from which persons confined in wheelchairs may see and hear the offered entertainment as well as persons regularly seated in the facility.

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge is currently utilizing the International Fire Code, 2006 edition; and

WHEREAS, the City desires to adopt the 2012 edition of the International Fire Code and to provide for any necessary amendments thereto, which furthers the City efforts to lessen conflicts between the various codes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Title 7, titled "Fire Protection and Fireworks," in its entirety and substituting therefor a new Title 7, titled "Fire Protection and Fireworks," which new title shall read as follows:

**Title 7**

**Fire Protection and Fireworks**

**Chapter 1**

**Fire Code**

**Sec. 7-101. International Fire Code adopted.**

The International Fire Code, 2012 edition, and all subsequent amendments to the 2012 edition, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

**Sec. 7-102. Updated National Fire Protection Association standards.**

Upon issuance of updated National Fire Protection Association standards, referenced in the International Fire Code, the updated National Fire Protection Association standards shall be used. The city manager or the city manager's designee shall be responsible for determining the "current" standard to be applied.

**Sec. 7-103. Definitions.**

- (1) Wherever the word "municipality" is used in the International Fire Code adopted by this chapter, it shall be held to mean the City of Oak Ridge.
- (2) Wherever the term "corporation counsel" is used in the International Fire Code adopted by this chapter, it shall be held to mean the attorney for the city.

**Sec. 7-104. Revisions.**

The following sections of the International Fire Code are hereby revised:

- (1) Section 101.1. Insert: City of Oak Ridge, Tennessee for the name of the jurisdiction.
- (2) Section 111.4. Insert: \$0.00 for the first amount and \$50.00 for the second amount.
- (3) Section 507.5.1. Delete the text of this section in its entirety and replace with the following language:

- (a) Fire hydrants, where required; Residential.

The maximum distance between fire hydrants, measured along street centerlines, shall be 450 feet.

- (b) Fire hydrants, where required; Non-Residential.

On roadways, the maximum distance between fire hydrants, measured along street centerlines, shall be 1000 feet.

In addition, no point on the exterior of a commercial building may be more than 500 feet from an approved fire hydrant.

In addition, in buildings required to have a sprinkler fire protection system installed, one accessible hydrant (either public or private) will be located not more than 100 feet from the fire siamese connection. For buildings with a sprinkler system, there will be one accessible hydrant provided on each of two opposing sides of the building. The hydrant required for the sprinkler system may be counted as one of these hydrants. There shall be additional hydrants provided to meet the requirement of a maximum 500-foot distance between a hydrant and any part of the building first floor. The hydrant(s) will be situated not less than two feet and not more than 10 feet from the curb of an access road, parking area, or public road. If situated in a parking area, there will be an area of NO PARKING marked around the hydrant for an area of 15 feet on all sides.

Example: A non-residential building of a 20,000 square feet area, sprinklered, would need a minimum of two hydrants (one within 100 feet of the sprinkler siamese connection and one on the opposing side of the building).

Paved access of a minimum of 20 feet in width shall be required within 100 feet of two sides of each non-residential building. Paved access roads shall be required to be within ten feet of each required fire hydrant.

Emergency access to each side of all buildings three or more stories in height shall be provided by means of an unobstructed area of at least 12 feet in width which would support the weight of a fire ladder truck. This area is not required to be a permanent roadway, but must be accessible during an emergency. Prior to completion of grading and landscaping design, the Fire Department should be consulted.

**Sec. 7-105. Replacements.**

The square footage amounts referred to in certain sections of the International Fire Code are hereby deleted and replaced as follows:

- (1) In Sections 903.2.1.1, 903.2.1.3, and 903.2.1.4 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.
- (2) In Section 903.2.3 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 12,000 with the number 10,000.
- (3) In Sections 903.2.4, and 903.2.7 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000, and replace the number 24,000 with the number 20,000.
- (4) In Sections 903.2.9, 903.2.9.1, and 903.2.10 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.

**Sec. 7-106. Sprinkler Requirements.**

Sprinkler requirements are set forth in Title 12, Chapter 2, of the Code of Ordinances.

**Sec. 7-107. Geographic Limits.**

The geographic limits referred to in certain sections of the International Fire Code are hereby established as follows:

- (1) Section 5504.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, FIR and IMDO.
- (2) Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in outside above-ground tanks is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, FIR and IMDO.

Flammable or combustible liquids in Zones other than IND1, IND2, IND3, FIR or IMDO. This use may be allowed on review by the fire chief. Approval will depend upon an engineering analysis of the hazards involved with the use and the location of the tank with respect to property exposures.

- (3) Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3 FIR and IMDO.

Flammable or combustible liquids in Zones other than IND1, IND2, IND3, FIR or IMDO. This use may be allowed on review by the fire chief. Approval will depend upon an engineering analysis of the hazards involved with the use and the location of the tank with respect to property exposures.

- (4) Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, FIR and IMDO.

**Sec. 7-108. Appeals.**

Appeals are made to the Board of Building and Housing Code Appeals and the process is set forth in Title 12, Chapter 2, of the Code of Ordinances.

**Sec. 7-109. Fireworks – discharge prohibited without a permit.**

The discharge of fireworks is prohibited within the City Limits without a permit, as set forth in Chapter 56, Explosives and Fireworks, of the International Fire Code.

**Sec. 7-110. Violations.**

Section 109.3 of the International Fire Code is deleted in its entirety and replaced with the following provisions:

- (1) Any person who shall violate any of the provisions of the International Fire Code adopted by this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
 \_\_\_\_\_  
 Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
 Thomas L. Beehan, Mayor

\_\_\_\_\_  
 Diana R. Stanley, City Clerk

First Reading: 09/10/2012  
 Publication Date: 09/17/2012  
 Second Reading: 10/08/2012  
 Publication Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ORDER TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE.

WHEREAS, the City of Oak Ridge adopted by reference the National Electrical Code, 2008 edition; and

WHEREAS, the current version of the National Electrical Code is now the 2011 edition, which in the future will be adopted for use by the State of Tennessee; and

WHEREAS, the City desires to adopt the current edition of the National Electrical Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 4, titled "Electrical Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-405, titled "National Electrical Code Adopted," in its entirety and substituting therefor a new Section 12-405 titled "National Electrical Code Adopted," which new section shall read as follows:

Sec. 12-405. National Electrical Code Adopted.

The National Electrical Code, 2011 edition, is hereby adopted by reference and shall become a part of The Electrical Code of the City of Oak Ridge as if copied herein verbatim, except as such code may be in conflict with other provisions of The Electrical Code of the City of Oak Ridge, in which event such other provisions shall prevail.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

First Reading: 09/10/2012  
Publication Date: 09/17/2012  
Second Reading: 10/08/2012  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 7, TITLED "PLUMBING CODE - GENERALLY," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," AND BY DELETING SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE – AMENDMENTS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE – AMENDMENTS," IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge adopted by reference the International Plumbing Code, 2006 edition; and

WHEREAS, the City desires to adopt the 2012 edition of the International Plumbing Code and to provide for any necessary amendments thereto, which furthers the City efforts to lessen conflicts between the various codes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 7, titled "Plumbing Code - Generally," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-705, titled "International Plumbing Code Adopted," in its entirety and substituting therefor a new Section 12-705, titled "International Plumbing Code Adopted," which new section shall read as follows:

Sec. 12-705. International Plumbing Code Adopted.

The International Plumbing Code, 2012 edition, is hereby adopted by reference and shall become a part of the plumbing code as if copied herein verbatim, except as such code may be in conflict with other provisions of the plumbing code, in which event such other provisions shall prevail.

Section 2. Title 12, titled "Building, Utility, Etc. Codes," Chapter 7, titled "Plumbing Code - Generally," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-706, titled "International Plumbing Code – Amendments," in its entirety and substituting therefor a new Section 12-706, titled "International Plumbing Code – Amendments," which new section shall read as follows:

Sec. 12-706. International Plumbing Code – Amendments.

The International Plumbing Code as adopted by §12-705 is amended as set out in this section.

All references to section numbers in the text of this section shall be construed as if followed by the words "of the International Plumbing Code," unless the context clearly indicates otherwise.

Section 101.1 Title.

Insert "City of Oak Ridge, Tennessee" for name of jurisdiction.

Section 305.4.1 Sewer depth.

Insert "twelve" in both places for the number of inches, and delete all references to "(mm)."

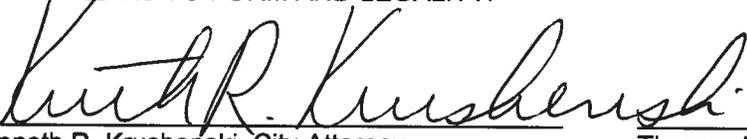
Section 903.1 Roof extension.

Insert "twelve" in place of the number of inches, and delete the first reference to "(mm)."

Section 3. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

First Reading: 09/10/2012  
Publication Date: 09/17/2012  
Second Reading: 10/08/2012  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Diana R. Stanley, City Clerk

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY RENUMBERING CHAPTER 12, TITLED "CITATIONS AND ORDINANCE SUMMONSES," TO BE CHAPTER 16 WITH THE TITLE REMAINING THE SAME; BY DESIGNATING CHAPTERS 13, 14, AND 15 AS "RESERVED FOR FUTURE USE"; AND BY CREATING A NEW CHAPTER 12, TITLED "INTERNATIONAL ENERGY CONSERVATION CODE," TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS REQUIRED BY THE STATE OF TENNESSEE.

WHEREAS, the City of Oak Ridge is required by the State of Tennessee to adopt the International Energy Conservation Code; and

WHEREAS, the City desires to adopt the 2009 edition of the International Energy Conservation Code to be in compliance with State requirements; and

WHEREAS, the City desires to re-number existing Chapter 12 on citations and ordinance summonses in order to keep all adopted-by-referenced codes consecutively numbered and desires to reserve three chapters for future use.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by renumbering existing Chapter 12, titled "Citations and Ordinances Summonses," to be Chapter 16, titled "Citations and Ordinances Summonses."

Section 2. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by designating Chapter 12 as the "Energy Conservation Code," which chapter shall read as follows:

Chapter 12  
Energy Conservation Code

Sec. 12-1201. International Energy Conservation Code Adopted.

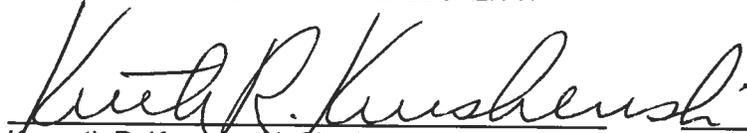
The International Energy Conservation Code, 2009 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, and shall be known as the "Energy Conservation Code."

Section 3. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by reserving chapters 13, 14, and 15 for future use.

Section 4. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 5. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

---

Thomas L. Beehan, Mayor

First Reading: 09/10/2012  
Publication Date: 09/17/2012  
Second Reading: 10/08/2012  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

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Diana R. Stanley, City Clerk

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 1, TITLED "BUILDING ACCESSIBILITY BY PHYSICALLY DISABLED PERSONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," AND SUBSTITUTING THEREFOR A NEW SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," IN ORDER TO ADOPT THE ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC A117.1-2009 CODE.

WHEREAS, the City of Oak Ridge currently lists minimum specifications for accessibility to public buildings according to the North Carolina Accessibility Code, 1999 edition with the 2002 and 2004 amendments (North Carolina Accessibility Code); and

WHEREAS, the North Carolina Accessibility Code is no longer available; and

WHEREAS, the City desires to adopt the Accessibility and Usable Buildings and Facilities ICC A117.1-2009 Code as the replacement for the North Carolina Accessibility Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 1, titled "Building Accessibility by Physically Disabled Persons," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-103, titled "Minimum specifications," in its entirety and substituting therefor a new Section 12-103, titled "Minimum specifications," which new section shall read as follows:

Sec. 12-103. Minimum specifications.

Any public building which is constructed, enlarged or substantially altered or repaired after the effective date of this ordinance shall be designed and constructed pursuant to specifications, approved by the responsible authority, making such building accessible to and usable by persons with disabilities. The minimum specifications shall be the Accessible and Usable Buildings and Facilities ICC A117.1-2009 Code thereto, which is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

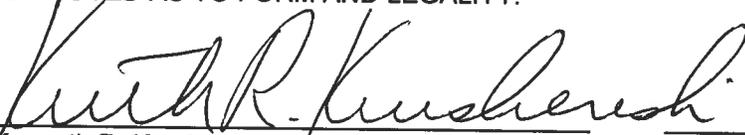
The minimum specifications for a project shall be those in effect at the time the project is submitted to the responsible authority for final approval of the construction, enlargement, alteration or repair.

All auditoriums, theaters, gymnasiums, stadiums and other public entertainment facilities must provide accommodations in level or nearly level locations from which persons confined in wheelchairs may see and hear the offered entertainment as well as persons regularly seated in the facility.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

First Reading: 09/10/2012  
Publication Date: 09/17/2012  
Second Reading: 10/08/2012  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Diana R. Stanley, City Clerk

LEGAL DEPARTMENT MEMORANDUM  
12-51

DATE: August 27, 2012  
TO: Mark S. Watson, City Manager  
FROM: Kenneth R. Krushenski, City Attorney  
Tammy M. Dunn, Senior Staff Attorney  
SUBJECT: AMENDMENT OF CITY CODE §9-703, TITLED "LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS," FOR COMPLIANCE WITH STATE LAW

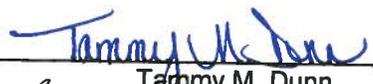
An item for the agenda is an ordinance to amend City Code §9-703 pertaining to the location of adult entertainment establishments for compliance with State law.

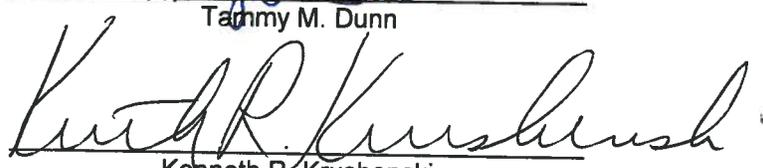
In 1999, the City enacted regulations for adult entertainment establishments by Ordinance 16-99. At the time of enactment, the State of Tennessee did not have any provisions in place regarding distance requirements for adult entertainment establishments. That has now changed. The State regulates distance requirements for adult entertainment establishments and some of the requirements are more stringent than the City's requirements. The City desires to bring the ordinance into compliance with State law, including the recent addition of placing a distance requirement between these businesses and family recreation centers (2012 Tennessee Public Chapter 1062).

The specific changes are shown on the attached bold/strikethrough document and are briefly set forth below:

- Places that an adult entertainment establishment must be 1,000 feet away from: add charter school, eliminate the limitation of "K-12" school, change "child day care facility" to "child care facility," change "church" to "place of worship," and add "family recreation center" as that term is defined in Tennessee Code Annotated §7-51-1401.
- Increase the distance between adult entertainment establishments and residential districts from 500 feet to 1000 feet.
- Change the measurement of distance to be from property line to property line instead of nearest point of adult entertainment establishment building/structure to property line.

Approval of the attached ordinance is recommended.

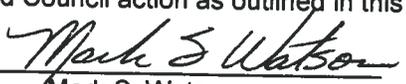
  
\_\_\_\_\_  
Tammy M. Dunn

  
\_\_\_\_\_  
Kenneth R. Krushenski

Attachments

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
\_\_\_\_\_  
Mark S. Watson

9-5-2012  
\_\_\_\_\_  
Date

**ADULT ENTERTAINMENT ORDINANCE AMENDMENTS  
BOLD/STRIKETHROUGH**

**§9-703. Location of adult entertainment establishments.**

All adult entertainment establishments must be located within an area zoned as B-2 as set forth in the zoning ordinance and must comply with the additional requirements set forth below.

- (1) An operator commits an offense if he or she operates or causes to be operated an adult entertainment establishment within one thousand (1000) feet of any existing:

~~(a)~~ — Public, ~~or private, or charter K-12~~ school;

~~(b)~~ — Child day care facility;

~~(c)~~ — Public park;

~~(d)~~ — Church Place of worship;

**Family recreation center (as defined in Tennessee Code Annotated §7-51-1401);**

~~(e)~~ — Hospital;

~~(f)~~ — Mortuary; or

~~(g)~~ — Adult entertainment establishment.

- (2) An operator commits an offense if he or she operates or causes to be operated an adult entertainment establishment within ~~five hundred (500)~~ **one thousand (1,000)** feet of any existing residential zoning district.

- (3) The distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the ~~building or structure used as part of the premises~~ **property line of a parcel** where an adult entertainment establishment is conducted, to the nearest point on the property line of the ~~premises parcel containing any~~ of the areas listed in subsections (1) and (2).

NOTE: Changes to this section are for compliance with Tennessee Code Annotated §7-51-1407. The addition of "family recreation center" has been recently added by 2012 Public Chapter 1062.

TITLE

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," CHAPTER 7, TITLED "ADULT ENTERTAINMENT ESTABLISHMENTS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 9-703, TITLED "LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS," TO ADD ADDITIONAL LOCATION RESTRICTIONS, INCREASE THE DISTANCE PROVISION FOR RESIDENTIAL AREAS, AND ALTER THE DISTANCE MEASUREMENT METHOD FOR COMPLIANCE WITH TENNESSEE CODE ANNOTATED §7-51-1407.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains regulations for adult entertainment establishments, which regulations were put into place in 1999 by Ordinance 16-99; and

WHEREAS, the City desires to amend the City Code to update Section 9-703 for compliance with State law provisions on adult entertainment, specifically Tennessee Code Annotated §7-51-1407; and

WHEREAS, Tennessee Code Annotated §7-51-1407 contains additional distance prohibitions that are not currently included in the City Code (charter schools, places of worship as opposed to only churches, and family recreational centers), as well as provides for a 1,000 feet distance requirement from residential areas as opposed to the City Code distance requirement of 500 feet; and

WHEREAS, further, Tennessee Code Annotated §7-51-1407 contains a more restrictive distance measurement method than the City Code which measures from the property line of the adult entertainment establishment rather than from the building or structure.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 9, titled "Business, Peddlers, Solicitors, Etc.," Chapter 7, titled "Adult Entertainment Establishments," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-703, titled "Location of Adult Entertainment Establishments," in its entirety and substituting therefor a new Section 9-703, titled "Location of Adult Entertainment Establishments," which section shall read as follows:

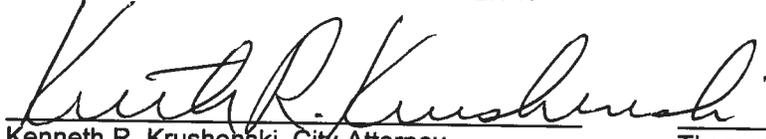
Sec. 9-703. Location of Adult Entertainment Establishments.

All adult entertainment establishments must be located within an area zoned as B-2 as set forth in the zoning ordinance and must comply with the additional requirements set forth below.

- (1) An operator commits an offense if he or she operates or causes to be operated an adult entertainment establishment within one thousand (1000) feet of any existing: public, private, or charter school; child care facility; public park; place of worship; family recreation center (as defined in Tennessee Code Annotated §7-51-1401); hospital; mortuary; or adult entertainment establishment.
- (2) An operator commits an offense if he or she operates or causes to be operated an adult entertainment establishment within one thousand (1,000) feet of any existing residential zoning district.
- (3) The distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of a parcel where an adult entertainment establishment is conducted, to the nearest point on the property line of the parcel containing any of the areas listed in subsections (1) and (2).

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

---

Thomas L. Beehan, Mayor

---

Diana R. Stanley, City Clerk

First Reading: 09/10/2012  
Publication Date: 09/17/2012  
Second Reading: 10/08/2012  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**ELECTIONS**  
**&**  
**APPOINTMENTS**  
**ANNOUNCEMENTS**  
**SCHEDULING**

**CITY CLERK MEMORANDUM**  
**12-44**

**DATE:** September 28, 2012

**TO:** Honorable Mayor and Members of City Council

**FROM:** Diana R. Stanley, City Clerk

**SUBJECT:** ESTABLISHING AN AD HOC SALARY REVIEW COMMITTEE FOR THE CITY JUDGE

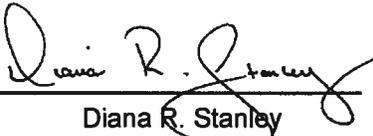
As prescribed by the Oak Ridge City Charter, Article III, Section 2 provides that City Council shall, by ordinance, provide for the compensation of the City Judge who is elected at the same time as members of City Council and the Board of Education to serve the same four-year term. According to Tennessee Code Annotated §16-18-205, the salary may be fixed by the governing body by ordinance or resolution prior to the term of office and shall not be increased nor diminished during the term.

To address compensation for the City Judge, Resolution 12-141-06 was approved thereby establishing a policy and procedure for determining the appropriate level of compensation for the City Judge based upon a review to be conducted at four-year intervals in compliance with the Charter and State Law.

Specifically, the resolution outlines that City Council shall appoint three of its members to serve as an ad hoc Salary Review Committee and present a recommendation regarding compensation of the City Judge to City Council. Typically, the Committee would be established in January of the year in which the City Judge's term of office is set to expire with the recommendation provided at least three months prior to the expiration of the term of office.

It is recommended by staff, that Council move forward with establishing a committee at the October 8, 2012 City Council meeting, and work as quickly as possible to perform a review and a recommendation. Because it is an election year, the City Clerk recommends Councilmember Garcia Garland, Councilmember Mosby, and Mayor Beehan to serve as the ad hoc Salary Review Committee.

Following the established membership of the Committee, the City Clerk will begin working with the Committees to develop a procedure and a timeline that will be sent by the respective committees and members of City Council.

  
\_\_\_\_\_  
Diana R. Stanley

# 2012 ELECTION NOTICE

## Boards and Commissions

The Oak Ridge City Council will appoint members to serve on the following boards and commissions at a special meeting of the Oak Ridge City Council scheduled for December 17, 2012

Boards or Commissions	Number of Vacancies	Terms of Office	Qualifications	Incumbents
Anderson County Board of Equalization	1	Two (2) years commencing on January 1, 2013	Oak Ridge resident and "freeholder and taxpayer."	Leonard Abbateello
Anderson County Community Action Commission	1	One (1) year commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency.	Benjamin Stephens
Anderson County Economic Development Association	1	Four (4) years commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency.	William Blioski
Beer Permit Board	4	(3) Three (3) years commencing on January 1, 2013 (1) Balance of an unexpired term ending on December 31, 2013	Applicants must be at least twenty-two (22) years old and have been a resident of Oak Ridge for at least two (2) years.	Vacant Carol Heck Theresa Scott William Tedford
Board of Building and Housing Code Appeals	3	Three (3) years commencing on January 1, 2013	One (1) vacancy is for a building-related contractor or building supply dealer, one (1) is for a realtor, and the other is for the public-at-large	Joseph Lee Hugh Ward Aaron Wells
Board of Zoning Appeals	1	Five (5) years commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency.	Judith Mason
Convention and Visitors Bureau	6	(4) Three (3) years commencing on January 1, 2013 (2) One (1) year commencing on January 1, 2013	Four (4) positions are for the public-at-large, the remaining two (2) are for General Managers of the top local hotel/motel establishments based upon actual hotel/motel occupancy collections	Trina Baughn Mary Damos J. Mark Harvey Gretchen Julius Hugh Ward Misty Williams

## 2012 Election Notice

Elder Citizens Advisory Board	4	Three (3) years commencing on January 1, 2013	One (1) applicant must be a member of the Anderson County Council on Aging, one (1) a member of the National Association of Retired Federal Employees, one (1) a member of the Coalition of Oak Ridge Retired Employees (CORRE), and other a member of the Oak Ridge Retired Teachers' Association	Lynne Burchell William Pryor Mary Rose Robert Smalridge
Environmental Quality Advisory Board	3	Three (3) years commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency	Leslie Agron Gray Dean James Grotton
Highland View Redevelopment	2	Three (3) years commencing on January 1, 2013	One (1) applicant must be an attorney form the public-at-large	Joan Carden Stephen Hamel
Oak Ridge Housing Authority	1	Five (5) years commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency	Judith Osucha
Industrial Development Board	3	Six (6) years commencing on January 1, 2013	All applicants shall be duly qualified electors of and taxpayers of the City of Oak Ridge	William Bitoski David Mason H.D. Osucha
Oak Ridge Municipal Planning Commission	2	Four (4) years commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency	Patrick McMillan Jane Shelton
Personnel Advisory Board	1	Three (3) years commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency	Ella DuBose
Recreation and Parks Advisory Board	3	Three (3) years commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency	Robert Cushman Bridgette Ellis William Eubanks
Trade Licensing Board	2	Three (3) years commencing on January 1, 2013	A current and valid mechanical license from the City of Oak Ridge	Vacant F. Wayne Garber
Traffic Safety Advisory Board	3	Three (3) years commencing on January 1, 2013	No special qualifications, other than Oak Ridge residency	Mark Crider Jana Humphrey William Smith

*Individuals interested in serving on the above boards and commissions must submit a completed Boards and Commissions application to the City Clerk's Office in the Municipal Building by 5:00 p.m. on Friday, November 16, 2012.*

### ALL APPLICANTS MUST BE RESIDENTS OF THE CITY OF OAK RIDGE

Applicants may submit a resume in addition to the application. Please visit the City's website at [www.oakridgetn.gov](http://www.oakridgetn.gov) for information regarding Boards and Commissions

For further information, call the City Clerk  
Diana R. Stanley at (865) 425-3411