

CITY COUNCIL WORK SESSION

JUNE 25, 2012

Call to Order: 7:00 p.m. in the Multipurpose Room of the Central Services Complex

- I. Presentation and overview of Uranium Processing Facility (UPF) project at Y-12 by John Eschenburg, director of the project, allowing for Council questions and discussions on potential impacts upon City services and infrastructure
- II. Report on the TVA Electrical Solar Energy Buyback program and availability for Oak Ridge businesses and residences by Jack Suggs, Electrical Director
- III. Review, update and discussion on impacts of City Parking Policies by City staff and sharing of any citizen contacts and communication by City Council
- IV. Policy discussion on recently adopted land bank legislation by City Council, including updates from land bank conference held this week. Discussion shall center on the initial goals and vision for this program
- V. Discussion by Councilmember Mosby on upcoming report of the City Manager Evaluation Committee in preparation for the July 9, 2012 meeting
- VI. Update on Mall Purchase by City Manager and general policy discussion on parameters for city center revitalization using tax increment financing programs
- VII. General Updates:
 - Mayor Beehan on National Park legislation, Senate Hearing and SMR presentation
 - Purchase of three (3) blighted homes
 - School debt service payment status
 - Secret City Festival/Lavender Festival
 - Jackson Square Announcement

THE WORK SESSION WILL BE PRECEDED BY AN EXECUTIVE SESSION BY THE CITY ATTORNEY ON THE EPA SETTLEMENT AT 6:30 P.M. IN THE SMALL CONFERENCE ROOM AT THE CENTRAL SERVICES COMPLEX

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD TWO NEW DEFINITIONS: "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains provisions for on-street parking but does not currently address parking concerns regarding recreational vehicles and utility trailers; and

WHEREAS, the City desires to amend the City Code to address those concerns.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," Section 15-101, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by correcting the introductory language and by adding three new definitions in alphabetic order and accordingly renumbering all definitions within this section, which introductory language and new definitions shall read as follows:

Sec. 15-101. Definitions.

The following words and phrases, when used in this title, having the meanings respectively ascribed to them in this section:

...

- (30) "Recreational vehicles." Any vehicular-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal watercraft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles.
- (54) "Utility trailers." Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new section 15-617, titled "Parking of recreational vehicles, commercial/oversized vehicles and utility trailers in marked and unmarked on-street parking spaces," which new section shall read as follows:

Sec. 15-617. Parking of recreational vehicles and utility trailers in marked and unmarked on-street parking spaces.

It is unlawful for any person to park or store any recreational vehicle or utility trailer within marked or unmarked on-street parking on any public street. It is also unlawful for the registered owner of

a recreational vehicle or utility trailer to allow another person to park or store such vehicle or trailer within marked or unmarked on-street parking on any public street.

Notwithstanding any provisions to the contrary, an operational recreational vehicle or utility trailer may be temporarily legally parked or stored within marked or unmarked on-street parking on any public street for a period not to exceed seven (7) consecutive days for the purpose of loading, unloading, trip preparation, or minor, routine maintenance and repair. However, vehicles temporarily parked in accordance with this section may not be relocated to another on-street location after the expiration of the allowed temporary parking period, and at no time shall any un-mounted camper enclosure, personal watercraft carrier, or boat not mounted on a utility trailer be parked or stored within any designated on-street parking space.

Section 3. There are no "grandfathered" rights associated with this ordinance.

Section 4. There shall be a thirty (30) day grace period from the effective date of the ordinance to allow City Staff time to educate the public on the requirements of the ordinance.

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.

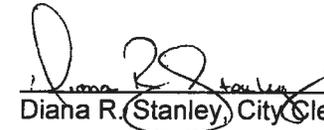
APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



Thomas L. Beehan, Mayor



Diana R. Stanley, City Clerk

First Reading: 02/13/2012
Publication Date: 02/20/2012
Second Reading: 03/26/2012
Publication Date: 04/02/2012
Effective Date: 04/05/2012

CITY COUNCIL MEMORANDUM
12-10

DATE: March 19, 2012

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: NOT IN OUR CITY PARKING ORDINANCES – SUGGESTED AMENDMENTS FOR CONSIDERATION ON SECOND READING

Two items for the agenda are approval of a City Code ordinance amendment and a Zoning Ordinance amendment pertaining to on-street parking and off-street residential parking. City Staff is proposing amendments to the ordinances as approved on first reading in response to concerns from Councilmembers.

Background:

On November 4, 2011, by Resolutions 11-109-11 and 11-110-11, City Council approved the *Not in Our City* (NIOC) conceptual plan consisting of eight initiatives. Initiative Four pertained to code amendments regarding parking and environmental concerns as part of the Policies and Ordinances Program. In an effort to accomplish the parking aspect of this initiative, City Staff proposed two ordinances which were approved on first reading by City Council on February 13, 2012.

One of the ordinances addresses on-street parking (City Code Ordinance Amendment) and prohibits the parking or storage of recreational vehicles, commercial/oversized vehicles, and utility trailers on marked or unmarked on-street parking spaces except on a temporary basis. The other ordinance addresses residential off-street parking (Zoning Ordinance Amendment) setting forth requirements for front, side and rear yard parking, paving approved parking surfaces, and prohibiting commercial/oversized vehicles.

At the February 13, 2012, City Council meeting and at the February 27, 2012 work session, some Councilmembers expressed concerns over the ordinances. City Staff has reviewed the comments and questions presented by City Council at both of these meetings, and offers the following amendments to address those concerns.

Proposed Amendments:

Amendment #1 (City Code Ordinance Amendment)

To amend the language in City Code §15-617 to change "three (3)" to "seven (7)" in the first sentence of the second paragraph.

This amendment is in response to concerns raised by a Councilmember regarding visiting family members bringing recreational vehicles with a suggestion to change the time period for temporary parking from three days to seven days to account for weeklong vacations. City Staff did not have any concerns with this suggested change and it is offered for City Council's consideration on second reading.

Amendment #2 (City Code Ordinance Amendment, Zoning Ordinance Amendment)

To amend the language in City Code §15-101 by deleting the definition for commercial/oversized vehicle and subsequently renumbering the remaining definitions; to delete all reference to commercial/oversized vehicle in City Code §15-617, and to delete Zoning Ordinance §11.02(d)(3) pertaining to commercial/oversized vehicles and subsequently renumbering the remaining subsections.

This amendment is in response to many Councilmembers who had concerns over the definition of commercial/oversized vehicle, concerns of whether existing parking ordinances could address the issue of wide vehicles that do not fit within the confines of a marked on-street parking space, and concerns over prohibiting the parking of commercial/oversized vehicles within residential districts. The suggestion by City Staff is to eliminate all reference to commercial/oversized vehicles.

The concerns of City Staff pertaining to on-street parking of commercial/oversized vehicles can be addressed through clarification of existing parking ordinances in the City Code such as a vehicle must be parking completely within the confines of a marked parking space and cannot overhang onto the curb or sidewalk, and vehicles must be parked within twelve (12) inches *street side* of the curb so as to avoid vehicles being parked over or on the curb itself. An ordinance for clarification of the City's existing parking ordinances has been prepared and is being presented to City Council for first reading immediately following consideration of these two NIOC ordinances. (Please see Memorandum 12-09 for specifics on this newly proposed ordinance and the clarifications it seeks to implement.)

Amendment #3 (Zoning Ordinance Amendment)

To amend the language in Zoning Ordinance §11.02(d)(1) to delete the sixth sentence in the first paragraph and replace it with the following: "Based upon the topography and to prevent siltation from erosion into the street, the City may require paving the approved parking surface up to an additional ten (10) feet from the street right-of-way line (property line) into the lot" and to delete Zoning Ordinance §11.02(e)(5).

This amendment is in response to some Councilmembers who had a desire to grandfather in existing non-paved approved parking surfaces from the ten-foot back paved requirement. City Staff is recommending a return to the originally proposed language for this section which allows the City to require the paving of an approved parking surface ten feet back in the event of a siltation/erosion problem with the particular property. The hardship provision remains, however, the need to grandfather in a property is no longer needed since paving will not be a requirement. This allows City Staff to address specific areas that are problems, as determined by the City Engineer, and not financially impact properties that are not creating erosion problems. This amendment is more financially appealing to citizens and still provides the necessary protections to the City should problems occur.

Other Concerns:

Other concerns raised by City Council have not been addressed by the above proposed amendments. For example, there was some discussion about creating a height limit for vehicles allowed to be parked or stored in on-street parking spaces, with a suggestion of an eight-foot-high limit from the ground or a seven-foot-high limit from the bottom of the vehicle (not including tires). City Staff does not at this time propose the implementation of a height limit. The City Manager has authority by City Code §15-606 to prohibit or limit parking on streets or portions of streets, and this authority can be utilized for specific parking concerns that are not specifically addressed elsewhere in the City's ordinances.

Some concerns have been raised outside of a meeting, therefore, not discussed by the entire City Council, and those concerns are also not addressed by the above amendments. However, those concerns are addressed below and suggested language is proposed should City Council desire to incorporate those provisions.

Parking of Heavy Vehicles in Residential Areas

A concern was raised about heavy vehicles parked in residential areas with a suggestion to require such vehicles to be parked on a paved surface that can physically support such weight. Should City Council desire to amend the Zoning Ordinance to address this issue, the following language is offered as a suggestion:

To amend Zoning Ordinance §11.02(d)(1) to add a new paragraph immediately following the existing paragraphs to read as follows: Heavy vehicles, defined as a vehicle with a gross vehicle weight of 20,000 pounds or more, shall be parked only on an approved paved parking surface that is physically capable of supporting the weight of a heavy vehicle.

Setbacks

A concern was raised about the setback requirement in Zoning Ordinance §11.02(e)(2) and the lack of a definition for the setback. Setbacks vary in the different districts. However, it is understood that simply referring to the setbacks will place a burden on the property owners to either know or inquire about their setback distances. Should City Council desire to amend the Zoning Ordinance to clarify this issue, the following language is offered as a suggestion which is to return this provision to its originally proposed version:

To amend Zoning Ordinance §11.02(e)(2) to delete the phrase "side and rear yard setbacks are met" and to replace it with "vehicles are parked at least five (5) feet from the property lines".

Recommendation:

The proposed amendments (Amendments #1, #2, and #3) are set forth above separately should City Council wish to address each one individually. However, City Staff recommends adoption of all three proposed amendments and has provided attached substitute ordinances for both the City Code Ordinance Amendment and the Zoning Ordinance Amendment. Additionally, a bold/strike-through of each ordinance showing the three proposed amendments is included as well for ease of reference.



Mark S. Watson

Attachments

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (D), TITLED "RESIDENTIAL PARKING," TO ADD PROVISIONS PERTAINING TO CURB CUTS FOR OFF-STREET RESIDENTIAL PARKING, TO ALLOW PARKING IN SIDE AND REAR YARDS IN RESIDENTIAL DISTRICTS PROVIDED SUCH PARKING IS OUTSIDE THE REQUIRED SETBACK, AND TO PROHIBIT PERMANENT LIVING INSIDE A PARKED OR STORED VEHICLE IN A RESIDENTIAL DISTRICT, AND TO AMEND RESERVED SUBSECTION (E) TO DEDICATE SAID SUBSECTION TO FRONT YARD PARKING REGULATIONS.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to update provisions and make it more understandable to the general public; and

WHEREAS, the current provisions pertaining to off-street parking are in need of modification and clarification; and

WHEREAS, the following changes have 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. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.02, titled "Required Off-Street Parking," is hereby amended by deleting Subsection (d), titled "Residential Parking," in its entirety and substituting therefor a new Subsection (d), titled "Residential Parking," which new subsection shall read as follows:

Section 11.02. Required Off-Street Parking

(d) Residential Parking

1. Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as "approved parking surface"). All approved parking surfaces shall be located on the lot it is intended to serve and there shall be vehicular access from each approved parking surface to the public street via a curb cut. All curb cuts must be approved and permitted by the City of Oak Ridge Public Works Department (see City Code §16-102). All approved parking surfaces and accesses to the public street shall meet the requirements of Article XI of the Zoning Ordinance. The portion of the vehicular access to the public street (approved parking surface such as driveway, parking strip, etc.) that is located on the street right-of-way shall have a hard paved surface meeting the requirements of the City Public Works Department. Based on the topography and to prevent siltation from erosion into the street, the City may require paving the approved parking surface up to an additional ten (10) feet from the street right-of-way line (property line) into the lot. The City Manager or the City Manager's designee shall have the authority to review cases for possible changes to the requirements where enforcement of this section will cause an undue hardship to the owner of the property.

For single-family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised of either gravel, asphalt, concrete, pavers, or some combination thereof. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all approved parking surfaces shall be paved.

2. Under no circumstances may a vehicle parked or stored in a residential district be occupied for permanent living purposes.
3. The provisions of this subsection (d) are not intended to and shall not be used to permit the parking of junked vehicles as regulated by City Code Title 13, Property Maintenance Regulations, Chapter 2, Oak Ridge Property Maintenance Code, and Chapter 3, Junked Vehicles.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.02, titled "Required Off-Street Parking," is hereby amended by dedicating reserved Subsection (e) to front yard parking regulations, which new subsection shall read as follows:

Section 11.02. Required Off-Street Parking

(e) Required Yard Parking Regulations

1. Parking in Front Yard.
 - a. It is unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface. It is also unlawful for the registered owner of any such vehicle or trailer to allow another person to park or store a vehicle or trailer within the front yard in any residential district unless such vehicle is parked on an approved parking surface. No more than fifty percent (50%) of the required front yard shall be utilized for an approved parking space.
 - b. Parking in a front yard off of an approved parking surface will be allowed under these special circumstances:
 - i. Temporary loading or unloading.
 - ii. When construction, remodeling, maintenance, or repairs are being performed on the property, provided a *Temporary Use Permit* is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the *Temporary Use Permit*.
 - iii. Parking for isolated, non-recurring gatherings or parties or for visitors. *This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles.*
2. Parking in Side and Rear Yard.
 - a. For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only in the

side and rear yard provided side and rear yard setbacks are met and remain clear of all vehicles.

- b. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all off-street parking shall be on a paved approved parking surface.
3. The provisions of this subsection (e) are not intended to and shall not be used to permit the parking of junked vehicles as regulated by City Code Title 13, Property Maintenance Regulations, Chapter 2, Oak Ridge Property Maintenance Code, and Chapter 3, Junked Vehicles.
4. For the purposes of this section, the following definitions apply:
 - a. "Recreational vehicles." Any vehicular-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal watercraft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles.
 - b. "Utility trailers." Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property.

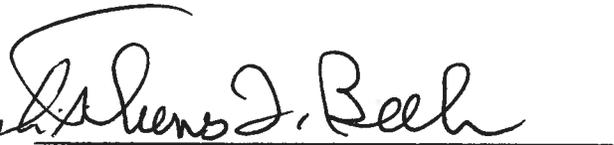
Section 3. There are no "grandfathered" rights associated with this ordinance except as specifically set forth in the ordinance.

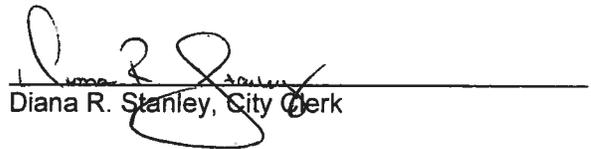
Section 4. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the public on the requirements of the ordinance.

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


Diana R. Stanley, City Clerk

First Reading: 02/13/2012
Publication Date: 02/20/2012
Public Hearing: 03/26/2012
Publication Date: 03/12/2012
Second Reading: 03/26/2012
Publication Date: 04/02/2012
Effective Date: 04/05/2012

CITY COUNCIL MEMORANDUM
12-10

DATE: March 19, 2012

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: NOT IN OUR CITY PARKING ORDINANCES – SUGGESTED AMENDMENTS FOR CONSIDERATION ON SECOND READING

Two items for the agenda are approval of a City Code ordinance amendment and a Zoning Ordinance amendment pertaining to on-street parking and off-street residential parking. City Staff is proposing amendments to the ordinances as approved on first reading in response to concerns from Councilmembers.

Background:

On November 4, 2011, by Resolutions 11-109-11 and 11-110-11, City Council approved the *Not in Our City* (NIOC) conceptual plan consisting of eight initiatives. Initiative Four pertained to code amendments regarding parking and environmental concerns as part of the Policies and Ordinances Program. In an effort to accomplish the parking aspect of this initiative, City Staff proposed two ordinances which were approved on first reading by City Council on February 13, 2012.

One of the ordinances addresses on-street parking (City Code Ordinance Amendment) and prohibits the parking or storage of recreational vehicles, commercial/oversized vehicles, and utility trailers on marked or unmarked on-street parking spaces except on a temporary basis. The other ordinance addresses residential off-street parking (Zoning Ordinance Amendment) setting forth requirements for front, side and rear yard parking, paving approved parking surfaces, and prohibiting commercial/oversized vehicles.

At the February 13, 2012, City Council meeting and at the February 27, 2012 work session, some Councilmembers expressed concerns over the ordinances. City Staff has reviewed the comments and questions presented by City Council at both of these meetings, and offers the following amendments to address those concerns.

Proposed Amendments:

Amendment #1 (City Code Ordinance Amendment)

To amend the language in City Code §15-617 to change "three (3)" to "seven (7)" in the first sentence of the second paragraph.

This amendment is in response to concerns raised by a Councilmember regarding visiting family members bringing recreational vehicles with a suggestion to change the time period for temporary parking from three days to seven days to account for weeklong vacations. City Staff did not have any concerns with this suggested change and it is offered for City Council's consideration on second reading.

Amendment #2 (City Code Ordinance Amendment, Zoning Ordinance Amendment)

To amend the language in City Code §15-101 by deleting the definition for commercial/oversized vehicle and subsequently renumbering the remaining definitions; to delete all reference to commercial/oversized vehicle in City Code §15-617, and to delete Zoning Ordinance §11.02(d)(3) pertaining to commercial/oversized vehicles and subsequently renumbering the remaining subsections.

This amendment is in response to many Councilmembers who had concerns over the definition of commercial/oversized vehicle, concerns of whether existing parking ordinances could address the issue of wide vehicles that do not fit within the confines of a marked on-street parking space, and concerns over prohibiting the parking of commercial/oversized vehicles within residential districts. The suggestion by City Staff is to eliminate all reference to commercial/oversized vehicles.

The concerns of City Staff pertaining to on-street parking of commercial/oversized vehicles can be addressed through clarification of existing parking ordinances in the City Code such as a vehicle must be parking completely within the confines of a marked parking space and cannot overhang onto the curb or sidewalk, and vehicles must be parked within twelve (12) inches *street side* of the curb so as to avoid vehicles being parked over or on the curb itself. An ordinance for clarification of the City's existing parking ordinances has been prepared and is being presented to City Council for first reading immediately following consideration of these two NIOC ordinances. (Please see Memorandum 12-09 for specifics on this newly proposed ordinance and the clarifications it seeks to implement.)

Amendment #3 (Zoning Ordinance Amendment)

To amend the language in Zoning Ordinance §11.02(d)(1) to delete the sixth sentence in the first paragraph and replace it with the following: "Based upon the topography and to prevent siltation from erosion into the street, the City may require paving the approved parking surface up to an additional ten (10) feet from the street right-of-way line (property line) into the lot" and to delete Zoning Ordinance §11.02(e)(5).

This amendment is in response to some Councilmembers who had a desire to grandfather in existing non-paved approved parking surfaces from the ten-foot back paved requirement. City Staff is recommending a return to the originally proposed language for this section which allows the City to require the paving of an approved parking surface ten feet back in the event of a siltation/erosion problem with the particular property. The hardship provision remains, however, the need to grandfather in a property is no longer needed since paving will not be a requirement. This allows City Staff to address specific areas that are problems, as determined by the City Engineer, and not financially impact properties that are not creating erosion problems. This amendment is more financially appealing to citizens and still provides the necessary protections to the City should problems occur.

Other Concerns:

Other concerns raised by City Council have not been addressed by the above proposed amendments. For example, there was some discussion about creating a height limit for vehicles allowed to be parked or stored in on-street parking spaces, with a suggestion of an eight-foot-high limit from the ground or a seven-foot-high limit from the bottom of the vehicle (not including tires). City Staff does not at this time propose the implementation of a height limit. The City Manager has authority by City Code §15-606 to prohibit or limit parking on streets or portions of streets, and this authority can be utilized for specific parking concerns that are not specifically addressed elsewhere in the City's ordinances.

Some concerns have been raised outside of a meeting, therefore, not discussed by the entire City Council, and those concerns are also not addressed by the above amendments. However, those concerns are addressed below and suggested language is proposed should City Council desire to incorporate those provisions.

Parking of Heavy Vehicles in Residential Areas

A concern was raised about heavy vehicles parked in residential areas with a suggestion to require such vehicles to be parked on a paved surface that can physically support such weight. Should City Council desire to amend the Zoning Ordinance to address this issue, the following language is offered as a suggestion:

To amend Zoning Ordinance §11.02(d)(1) to add a new paragraph immediately following the existing paragraphs to read as follows: Heavy vehicles, defined as a vehicle with a gross vehicle weight of 20,000 pounds or more, shall be parked only on an approved paved parking surface that is physically capable of supporting the weight of a heavy vehicle.

Setbacks

A concern was raised about the setback requirement in Zoning Ordinance §11.02(e)(2) and the lack of a definition for the setback. Setbacks vary in the different districts. However, it is understood that simply referring to the setbacks will place a burden on the property owners to either know or inquire about their setback distances. Should City Council desire to amend the Zoning Ordinance to clarify this issue, the following language is offered as a suggestion which is to return this provision to its originally proposed version:

To amend Zoning Ordinance §11.02(e)(2) to delete the phrase "side and rear yard setbacks are met" and to replace it with "vehicles are parked at least five (5) feet from the property lines".

Recommendation:

The proposed amendments (Amendments #1, #2, and #3) are set forth above separately should City Council wish to address each one individually. However, City Staff recommends adoption of all three proposed amendments and has provided attached substitute ordinances for both the City Code Ordinance Amendment and the Zoning Ordinance Amendment. Additionally, a bold/strike-through of each ordinance showing the three proposed amendments is included as well for ease of reference.



Mark S. Watson

Attachments

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES FOR MOTORIZED VEHICLES, EXCEPTIONS"; BY AMENDING SECTION 15-603, TITLED "PROHIBITED IN SPECIFIED PLACES," BY RE-DESIGNATING THE SECTION AS SUBSECTION (A), ADDING LANGUAGE TO SUBSECTION (A)(1) PERTAINING TO SIDEWALKS, CREATING TWO NEW SUBPARTS (A)(21) AND (A)(22) PERTAINING TO PARKING ON CURBS AND WITHIN MARKED PARKED SPACES, AND CREATING A NEW SUBSECTION (B); AND BY DELETING SECTION 15-604, TITLED "METHOD OF PARKING," SUBSECTION (1), IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1), WITH ALL AMENDMENTS FOR THE PURPOSE OF CLARIFYING ON-STREET PARKING REQUIREMENTS AND FOR COMPATIBILITY WITH RECENTLY ENACTED SECTION 15-617.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains provisions for on-street parking, however, it is in need of clarification with respect to parking within the confines of a marked parking space and within a specified distance of the curb; and

WHEREAS, additionally, with newly enacted City Code §15-617 pertaining to parking of certain vehicles on the street, City Code §15-601 pertaining to equal parking rights must be amended to compatibility with the new ordinance; and

WHEREAS, the City desires to amend the City Code to address those concerns.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 15-601, titled "Equal Rights to Parking Spaces," in its entirety and substituting therefor a new Section 15-601, titled "Equal Rights to Parking Spaces for Motorized Vehicles, Exceptions," which new section shall read as follows:

Sec. 15-601. Equal rights to parking spaces for motorized vehicles, exceptions.

Unless specifically designated by a city-authorized sign, all persons parking motorized vehicles (except recreational vehicles) have equal rights and privileges to any parking space on all public streets. The parking of recreational vehicles in any parking space on public streets is governed by City Code §15-617.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by designating the existing language in Section 15-603, titled "Prohibited in specified places," as Subsection (a), with items (1) through (20) being designated as subparts to subsection (a).

Section 3. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding the phrase "or pedestrian walking area" after the word "sidewalk" in subsection (a)(1).

Section 4. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak

Ridge, Tennessee, is hereby amended by adding two new subparts to subsection (a), which new subparts shall read as follows:

Sec. 15-603. Prohibited in specified places.

- (a)
 - (21) On or over the curb of any public street.
 - (22) Outside of any marked parking space lines on any public street. This does not preclude the ability to park in unmarked parking spaces provided such parking is allowed, however, it does require a vehicle parked in marked on-street parking to be contained entirely within the marked space (white lines and curbing).

Section 5. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new subsection (b), which new subsection shall read as follows:

Sec. 15-603. Prohibited in specified places.

- (b) The requirements of this section apply to the entire portion of the vehicle, including but not limited to side mirrors and tailgates, and to any items placed on said vehicle that are not completely contained within said vehicle, including but not limited to protruding lumber or other materials. If any portion of the vehicle or any items placed on said vehicle are within any of the prohibited parking areas set forth in subsection (a) above, the vehicle is parked unlawfully. For example, if a vehicle's side mirrors overhang onto the sidewalk or if materials protrude from the vehicle and overhang the marked parking lines, the vehicle is parked unlawfully.

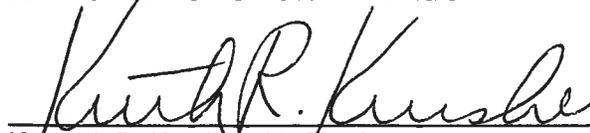
Section 6. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-605, titled "Method of Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting subsection (1) in its entirety and substituting therefor a new subsection (1), which new subsection shall read as follows:

Sec. 15-605. Method of parking.

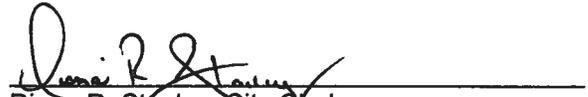
- (1) Every vehicle parked or standing unattended upon any two-way street, road, avenue or other public way within the city shall be so parked or stopped in the direction of the flow of traffic with the right hand wheels parallel to and within twelve (12) inches street side of the right hand curb or edge of the roadway. Every vehicle parked or standing unattended upon any one-way street, road, avenue or other public way within the city shall be so parked or stopped in the direction of the flow of traffic with its right hand wheels parallel to and within twelve (12) inches street side of the right hand curb or edge of the roadway, or its left hand wheels parallel to and within twelve (12) inches street side of the left hand curb or edge of the roadway, whichever is applicable. Where parking stalls or spaces are marked or designated as such on the curbs or pavement, vehicles shall be parked or stopped only within such designated stalls or spaces with the vehicle headed in the direction of the flow of traffic or an angle indicated by appropriate markings.

Section 7. 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:

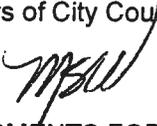

Kenneth R. Krushenski, City Attorney


Thomas L. Beehan, Mayor


Diana R. Stanley, City Clerk

First Reading:	<u>03/26/2012</u>
Publication Date:	<u>04/02/2012</u>
Second Reading:	<u>04/09/2012</u>
Publication Date:	<u>04/16/2012</u>
Effective Date:	<u>04/19/2012</u>

CITY COUNCIL MEMORANDUM
12-09

DATE: March 19, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager 
SUBJECT: CITY CODE PARKING AMENDMENTS FOR CLARIFICATION PURPOSES AND FOR COMPATIBILITY WITH NEWLY ENACTED CITY CODE §15-617

An item for the agenda is an ordinance to amend Title 15, Chapter 6, of the City Code to clarify existing parking provisions and for compatibility with newly enacted City Code §15-617.

Background:

During City Council's deliberations of the Not in Our City (NIOC) parking amendments to the City Code and the Zoning Ordinance, there was a concern that existing City ordinances could be used to address many of the parking issues such as parking on the sidewalk, on the curb or outside the marked lines. While there are existing City ordinances on these issues, clarification is needed in order for the ordinances to become a more useful enforcement tool.

Additionally, with the enactment of City Code §15-617, certain vehicles are no longer permitted to park in on-street parking spaces except on a temporary basis. This is in conflict with existing City Code §15-601 which gives equal rights to on-street parking spaces for motorized and non-motorized vehicles. This section is in need of an amendment to correct this discrepancy.

Proposed Ordinance:

With the proposed elimination of the prohibition on commercial/oversized vehicles in on-street parking and off-street residential parking in the NIOC parking ordinances, the issue of wide vehicles in on-street parking spaces remains. In addition to wide vehicles, there are times when vehicles are parked in on-street parking spaces and the vehicle is not within the confines of the marked parking space, or is on or over the curb, or is on the sidewalk. While this type of parking should obviously be impermissible, current City ordinances are not so clear.

For example, City Code §15-605(1) states vehicles parked on the street must have their right-hand wheels within twelve (12) inches of the right-hand curb or edge of roadway. It does not address whether the vehicle must be parked *street side* of the curb, which could imply that parking is permitted on or over the curb, or possibly even the sidewalk, as long as the right-hand wheels are within twelve (12) inches of either side of the right-hand curb. Sidewalk parking is not permissible by City Code §15-603(1), however, the lack of proper delineation in City Code §15-605(1) leaves it ambiguous and open for argument.

Further, City Code §15-605(1) does not address proper parking on one-way streets which could occur on the left-hand side of the roadway instead of the right-hand side. Every vehicle parked on the left-hand side of a one-way street is arguably in violation of City Code §15-605(1) and that requires correction.

The following changes are set forth in the attached ordinance for Council's consideration:

City Code §15-601

This section is proposed to be amended to delete the reference to non-motorized vehicles, which are now prohibited in on-street parking spaces by City Code §15-617. City Code §15-617 allows recreational vehicles, which are motorized vehicles, to be temporarily parked, so reference is made to that provision. See below for a bold/strike-through version of the proposed amendment.

City Code §15-601, Equal Rights to Parking Spaces for Motorized Vehicles

Unless specifically designated by a city-authorized sign, all persons parking motorized ~~or nonmotorized~~ vehicles (**except recreational vehicles**) have equal rights and privileges to any parking space on all public streets. **The parking of recreational vehicles in any parking space on public streets is governed by City Code §15-617.**

City Code §15-603, Prohibited in Specified Places

It is recommended to take the existing language in this section and designate it as Subsection (a).

It is also recommended to amend the language in Subsection (1) [soon to be Subsection (a)(1)] to include the phrase "pedestrian walking area" as a place of prohibited parking along with a sidewalk. This is intended to encompass such areas of the pedestrian greenways.

It is further recommended to add two new subsections [to be Subsections (a)(21) and (a)(22)] to clarify that parking is not permitted on or over the curb, and to clarify that vehicles parked within marked on-street parking must be contained entirely within the marked space (white lines and curbing).

The last recommendation for this section is to create a new Subsection (b) to clarify that the entire portion of a vehicle, including any items placed on said vehicle, must be outside of the prohibited parking areas for the parking to be lawful. Examples:

- If a vehicle is parked with the tailgate down and the tailgate overhangs the marked parking space, the vehicle is unlawfully parked.
- If a vehicle is hauling lumber that protrudes in front of a fire hydrant, the vehicle is unlawfully parked.
- If a vehicle's side mirrors overhang onto the sidewalk, the vehicle is unlawfully parked.

City Code §15-605, Method of Parking

It is recommended to amend Subsection (1) to require vehicles parked on two-way streets to be parked with the right-hand wheels parallel and within twelve (12) inches *street side* of the curb

It is also recommended to amend Subsection (1) to address vehicles parked on one-way streets.

Recommendation:

City Staff recommends adoption of the attached ordinance as proposed.



Mark S. Watson

On-Street Parking

Examples of Proper and Improper Parking

Highlights of the Ordinance Scheduled for Final Adoption on April 9, 2012

- Vehicles cannot park on or over the curb.
- Vehicles cannot be outside of the marked parking space (white lines and curbing).
- Clarifies that the parking provisions apply to the entire vehicle (not just the tires).
- For two-way streets, clarifies that vehicles must be parked in the direction of the flow of traffic with the right hand wheels of the vehicle must parallel and within 12 inches streetside of the right hand curb or edge of roadway.
- For one-way streets, clarifies that vehicles must be parked in the direction of the flow of traffic with the right hand wheels of the vehicle must parallel and within 12 inches streetside of the right hand curb or edge of roadway, or the left hand wheels of the vehicle must parallel and within 12 inches streetside of the left hand curb or edge of roadway, whichever is applicable.



Properly Parked in On-Street Marked Parking Space

The entire portion of the vehicle is parked within the marked lines. It is off of the curb and completely within the white marked parking space. It is also parked in the direction of the flow of traffic.



Improperly Parked in On-Street Marked Parking Space

While the vehicle is not on or over the curb and is parked in the direction of the flow of traffic, it is outside the marked parking space (over the white lines) on the curb which makes it improperly parked.



Improperly Parked in On-Street Marked Parking Space

While the vehicle is not outside the marked lines and is parked in the direction of the flow of traffic, it is on the curb which makes it improperly parked.



Improperly Parked in On-Street Marked Parking Space

While the vehicle is not outside the marked lines and is parked in the direction of the flow of traffic, it is over the curb and parked on the sidewalk, both of which make it improperly parked.



Improperly Parked in On-Street Marked Parking Space

While the vehicle is within the marked parking space (white lines and curbing), it is parked against the flow of traffic, which makes it improperly parked.



Improperly Parked in On-Street Marked Parking Space

While the vehicle itself is within the marked parking space (white lines and curbing) and is parked in the direction of the flow of traffic, the ladder overhangs the marked parking space (white lines) which makes it improperly parked.



Properly Parked in On-Street Unmarked Parking Space

The right-hand wheels of the vehicle are parallel and within 12 inches street side of the right hand curb or edge of roadway, parked in the direction of the flow of traffic, and allows at least 18 feet of unobstructed width of the street opposite the vehicle for the free passage of other vehicles.



Improperly Parked in On-Street Unmarked Parking Space

While the right-hand wheels of the vehicles are parallel and within 12 inches street side of the right hand curb or edge of roadway, and are parked in the direction of the flow of traffic, the vehicles do not allow at least 18 feet of unobstructed width of the street opposite the vehicle for the free passage of other vehicles which makes the vehicles improperly parked.



State of Tennessee
PUBLIC CHAPTER NO. 1096

SENATE BILL NO. 3223

By McNally, Yager

Substituted for: House Bill No. 3400

By Ragan, Hardaway, Parkinson

AN ACT to amend Tennessee Code Annotated, Title 13, to enact the "Tennessee Local Land Bank Pilot Program".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, is amended by adding the following language as a new Chapter 30:

13-30-101. This act shall be known and may be cited as the "Tennessee Local Land Bank Pilot Program".

13-30-102. The legislature finds and declares as follows:

(1) Tennessee's communities are important to the social and economic vitality of the state. Whether urban, suburban or rural, many communities are struggling to cope with vacant, abandoned and tax-delinquent properties.

(2) There exists a crisis in many cities and their metro areas caused by disinvestment in real property and resulting in a significant amount of vacant and abandoned property. This condition of vacant and abandoned property represents lost revenue to local governments and large costs associated with demolition, safety hazards and spreading deterioration of neighborhoods including resulting mortgage foreclosures.

(3) The need exists to strengthen and revitalize the economy of the state and its local units of government by solving the problems of vacant and abandoned property in a coordinated manner and to foster the development of such property and promote economic growth. Such problems may include multiple taxing jurisdictions lacking common policies, ineffective property inspection, code enforcement and property rehabilitation support, lengthy and/or inadequate foreclosure proceedings, and lack of coordination and resources to support economic revitalization.

(4) There is an overriding public need to confront the problems caused by vacant, abandoned and tax-delinquent properties through the creation of new tools to be available to communities throughout the state enabling them to turn vacant spaces into vibrant places.

(5) Land banks are one of the tools that can be utilized by communities to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use.

(6) In the interest of self-governance on the part of Tennessee's cities, this pilot program will be used in specific areas as a testing model of a self-governing, self-sustaining land bank that can revitalize Tennessee cities and counties.

13-30-103. As used in this act, unless the context clearly indicates otherwise:

(1) "Board of directors" or "board" means the board of directors or other similar governing body of the corporation;

(2) "Corporation" means a corporation created pursuant to this chapter to operate a land bank;

(3) "Land bank" means real property, however obtained or acquired and held by a corporation, created pursuant to this chapter, with the intent of acquiring and holding onto the real property so acquired until such a time as the corporation is able to find a willing and able buyer to acquire the real property from the corporation;

(4) "Local government" means any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee meeting the requirements of § 13-30-104;

(5) "Pilot program" means the Tennessee Local Land Bank Pilot Program meeting the requirements of § 13-30-104;

(6) "Real estate" means an identified parcel or tract of land, including improvements, if any; and

(7) "Real property" means one (1) or more defined parcels or tracts of land or interests, benefits and rights inherent in the ownership of real estate.

13-30-104.

(a)(1) Any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee, to which all of the following elements applies, has the authority to establish a pilot program by creating a corporation which is authorized to operate a land bank for the creating local government or local governments, hereafter referred to as "corporation", within the jurisdictional boundaries of the local government or local governments establishing the corporation:

(A) The local government was chosen as a site for a nuclear research facility for the U.S. Government during the World War II era;

(B) Prefabricated modular homes, apartments and dormitories, many made from cernesto panels, were quickly erected for those employed at the nuclear research facility; and

(C) Many units of such housing, while intended to be only temporary structures, are in extremely deteriorated conditions and still serve as residential homes for municipal residents seventy (70) years after originally constructed.

(2) The corporation is hereby declared to be performing a public function on behalf of the local government with respect to which the corporation is created and organized and to be a public instrumentality of such local government. Accordingly, the corporation and all properties of the corporation, including all properties held in the name of the corporation in the land bank, at any time owned by it, and the income and revenues from the properties shall be exempt from all taxation in the State of Tennessee.

(b)(1) A corporation shall come into existence under the terms of this chapter when any local government to which subsection (a) applies either on its own initiative or through inter-local agreements entered into by and between one (1) or more creating local governments vote by majority vote of its legislative body to establish the corporation. Evidence of such authorization shall be proclaimed and countersigned by the presiding officer of each participating county or municipality and certified by such officer to the secretary of state.

(2) The governing bodies of the creating local governments shall indicate their willingness to appropriate sufficient funds to provide for the initial administration of the corporation as a part of the authorization process and for such purposes are authorized to provide funding or grants and appropriate money to the corporation in such manner as directed by the legislative bodies.

13-30-105.

(a) The corporation shall have a board of directors in which all powers of the corporation shall be vested. Such board shall consist of any number of directors, no fewer than five (5), all of whom shall be duly qualified electors of and taxpayers in the creating local government or local governments.

(b) The creating local government or local governments, if more than one (1) has jointly created a corporation, shall determine the qualifications, manner of selection or appointment, terms of office of members of the board, the number of directors, whether and to what extent the members of the local legislative bodies shall be appointed or elected to serve on the board of the corporation and the manner of filling vacancies.

(c) The term of each director on the corporation shall be as set by the creating local government or local governments, provided that any director shall continue to serve beyond the end of the director's term until the director's successor has been appointed. At the first organizational meeting of the corporation, the creating local government or local governments shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year.

13-30-106.

(a) A majority of the board of the corporation shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required by state law, the vote of a simple majority of the directors present at any meeting at which a quorum is present shall be the action of the corporation. To the extent permitted by applicable law, the corporation may permit any or all directors to participate in an annual, regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

(b) The members of the board of directors shall select annually from among themselves a chairman, a vice chairman, a treasurer, and such other officers as the board may determine, and shall establish their duties as may be regulated by rules adopted by the board.

(c) The board shall establish rules and requirements relative to the attendance and participation of members in its meetings, regular or special. Such rules and regulations may prescribe a procedure whereby, should any member fail to comply with such rules and regulations, such member may be disqualified and removed automatically from office by no less than a majority vote of the remaining members of the board, and that member's position shall be vacant as of the first day of the next calendar month. Any person removed under the provisions of this subsection shall be ineligible for reappointment to the board, unless such reappointment is confirmed unanimously by the board.

(d) Any citizen or group of citizens upon collection of a petition having a clearly worded purpose, of at least twenty (20) verified signatures of qualified voters registered in the jurisdiction in which the board operates may present to the local government legislative body a resolution calling for the removal of any board member. The local government legislative body shall have the power, upon timely and due consideration of the citizen petition and a response from the board, to remove or retain the cited board member by simple majority vote. Removal from the board of directors of any public official shall not, in, and of itself, impair the public official or municipal or county employee in his or her other duties.

(e) Board members shall serve without compensation, shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the corporation and to fix the duties, powers and compensation of all employees, agents and consultants of the corporation. The board may reimburse any member for expenses actually incurred in the performance of duties on behalf of the corporation.

(f) The board shall meet in regular session according to a schedule adopted by the board, and also shall meet in special session as convened by the chairman or upon written notice signed by a majority of the members. The presence of a majority of the total membership of the board shall constitute a quorum.

(g) All actions of the board shall be approved by the affirmative vote of a majority of the members of that board present and voting. However, no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

(1) Adoption of bylaws and other rules and regulations for conduct of the business of the corporation;

(2) Hiring or firing of any employee or contractor of the corporation. This function may, by majority vote, be delegated by the board to a specified officer or committee of the corporation, under such terms and conditions, and to the extent, that the board may specify;

(3) The incurring of debt;

(4) Adoption or amendment of the annual budget; and

(5) Sale, lease, encumbrance, or alienation of real property, improvements or personal property with a value of more than fifty thousand dollars (\$50,000).

(h) Vote by proxy shall not be permitted. Any member may request a recorded vote on any resolution or action of the board.

13-30-107.

(a) The corporation, once created, shall have the authority to create a land bank for real property located within the boundaries of the creating local government or local governments.

(b) No rules or bylaws created by the corporation, may contravene state law.

(c) All board members, appointees, employees and/or paid advisors of the corporation created, appointed or employed, with or without pay, pursuant to this act are subject to the provisions of Tennessee Code Annotated, Title 8, Chapter 17, and may not be exempted, on the basis of any corporate board governance rules or bylaws.

(d) All meetings of the board of directors of the corporation and/or its employees are subject to Tennessee Code Annotated, Title 8, Chapter 44, and may not be exempted on the basis of the corporate board governance rules or bylaws.

(e) All corporate records are subject to the provisions of Tennessee Code Annotated, §§ 10-7-503 through 10-7-505, and may not be exempted on the basis of any corporate board governance rules or bylaws.

13-30-108. The corporation may enter into contracts and agreements with the creating local government or local governments for staffing services to be provided to the corporation by such local governments or agencies or departments thereof.

13-30-109. The corporation shall have the power, as limited by the legislative body of the creating local government or local governments, to:

(1) Adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) Sue and be sued in its own name and plead and be impleaded in all civil actions, including, but not limited to, actions to clear title to the real property held in the land bank;

(3) Adopt a seal and to alter the same at pleasure;

(4) Borrow funds as may be necessary, for the operation and work of the corporation with the concurrence of the legislative body of the creating local government or local governments;

(5) Enter into contracts and other instruments necessary, incidental or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, intergovernmental agreements under the existing Tennessee Code for the joint exercise of powers under this act;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers to acquire, hold and dispose of real property held in the land bank;

(7) Procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the corporation in the performance of the duties of such person's office or employment or any other insurable risk, as the board of directors, in its discretion, may deem necessary;

(8) Accept donations, contributions, revenues, capital grants or gifts from any individual, association, public or private corporation, municipality or county of the State of Tennessee, the State of Tennessee or the United States government, or any agency or instrumentality of the State of Tennessee or the United States, for or in aid of any of the purposes of this act and enter into agreements in connection with the donations, contributions, revenues, capital grants or gifts;

(9) Invest money of the corporation in investments that would be eligible investments for a municipality or county in the state and name and use depositories for its money with a bank or trust company which is a member of the Federal Deposit Insurance Corporation;

(10) Identify, investigate, document and nominate properties meeting established criteria to the creating local government or local governments for initiation and exercise of eminent domain procedures in accordance with state law; provided that any real property taken by eminent domain, if transferred to or acquired by the corporation shall only be disposed of by the corporation in a manner which does not violate § 29-17-102;

(11) Enter into contracts which do not violate § 29-17-102, for the management of or the sale of real property in the land bank; such power shall include the power to preserve the value or prevent diminution of the value of any such property until disposed of by the corporation, including the following actions:

(A) Design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;

(B) Fix, charge and collect rents, fees and charges for the use of real property of the land bank and for services provided by the corporation;

(C) Grant or acquire a license, easement, lease, as lessor and as lessee, or option with respect to real property in the land bank; and

(D) Enter into limited partnerships, limited joint ventures and other limited collaborative relationships with local governments and other public and private entities within the designated boundary for the ownership, management, development, and disposition of real property; and

(12) Do all other things necessary or convenient to achieve the objectives and purposes of the corporation related to the real property held in the land bank.

13-30-110.

(a) The corporation may acquire real property or interests in real property for the land bank by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the corporation considers proper.

(b) The corporation may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts or land contracts, and may accept transfers from municipalities or counties upon such terms and conditions as agreed to by the corporation and the local government.

(c) The corporation shall maintain all of its real property and real property held in the land bank in accordance with state law and the laws and ordinances of the jurisdiction in which the real property is located.

(d) The corporation shall not own or hold real property located outside the jurisdictional boundaries of the local governmental entity or entities that created the corporation; provided, however, that the corporation may be granted authority pursuant to an intergovernmental cooperation agreement with another municipality or county to manage and maintain real property located within the jurisdiction of such other municipality or county.

(e) Notwithstanding any other provision of law to the contrary, any municipality or county may convey to the corporation real property and interests in real property on such terms and conditions, and according to such procedures, as determined by the legislative body of the local government conveying the real property to the corporation.

13-30-111.

(a) The corporation shall hold in its own name all real property acquired by the corporation for the land bank irrespective of the identity of the transferor of such property.

(b) The corporation shall maintain and make available for public review and inspection an inventory of all real property held for the land bank. In addition to referrals to public access, routine, printed, real property records or those on municipal and county electronic database files, the corporation is authorized to maintain an independent, publically available, electronic inventory via the creating local government or local government's Web site with any combination of pictures, informal descriptions, legal descriptions and addresses as the board may deem appropriate to its purposes related to real property in the land bank. The corporation is obligated to make reasonable efforts to ensure that information contained in any independent, electronic inventory is practically accurate or to ensure that a prominent disclaimer of accuracy is prominently displayed to any potential viewer.

(c) The corporation shall determine and set forth in policies and procedures of the board of directors, the general terms and conditions for consideration to be received for the transfer of real property and interests in real property, which consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee, and such other forms of consideration as determined by the board of directors to be in the best interest of the corporation related to real property in and for the land bank.

(d) The corporation may convey, exchange, sell, transfer, lease as lessee, grant, release and demise, pledge and hypothecate any and all interests in, upon or to real property of the land bank, to the extent authorized by the legislative body of the creating local government or local governments and in a manner which does not violate § 29-17-102.

(e) The legislative body of the local government or local governments creating the corporation, are authorized to establish a hierarchical ranking of priorities for the use of real property conveyed to the corporation for the land bank including, but not limited to:

- (1) Use for purely public spaces and places;
- (2) Use for affordable housing;
- (3) Use for retail, commercial and industrial activities; or
- (4) Use as wildlife conservation areas, and such other uses and in such hierarchical order as determined.

(f) The creating local government or local governments are authorized to require that any particular form of disposition of real property, or any disposition of real property located within specified jurisdictions which is held by the corporation in the land bank, be subject to specified voting and approval requirements of the board of directors. Except and unless restricted or constrained in this manner, the board of directors may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance and all other related documents pertaining to the conveyance of real property held by the corporation as real property for the land bank.

13-30-112.

(a) The board shall cause minutes and a record to be kept of all its proceedings and such records shall be available for timely public inspection. All meetings shall be open to the public with appropriate notice published in accordance with Section 13-30-107(d).

(b) The board shall publish a report on an annual basis to its creating local government or local governments. This annual report must contain a detailed financial accounting of the corporation's debt obligations, income (sources and amounts), properties, dispositions, expenditures, acquisitions, contracts (executed and pending within the next ninety (90) days), significant activities and other data as required by organizational bylaws and governance documents. This report shall be maintained on file for audit purposes and immediately available to the Department of Audit in the office of the comptroller of the treasury upon request. Additionally, all such reports shall be available for public inspection.

(c) The board of directors of the corporation shall cause an annual audit to be made of the books and records of the corporation. With prior approval of the comptroller of the treasury, the audit may be performed by a licensed certified public accountant selected by the corporation. If a licensed certified public accountant is employed, the audit contract between the corporation and the licensed certified public accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the corporation. The comptroller of the treasury, through the department of audit, shall be responsible for determining that the audits are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum standards prescribed by the comptroller of the treasury.

(d) In the event the governing body of the corporation fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a licensed certified public accountant, or direct the Department of Audit, to prepare the audit, the cost of the audit to be paid by the corporation.

(e) A copy of the annual audit referenced in subsection (c) shall be filed annually with the creating local government or local governments.

13-30-113. A corporation created pursuant to this chapter may be dissolved in the manner established by the creating local government or local governments or otherwise in accordance with general law for the dissolution of a public corporation.

13-30-114. No member of the board or employee of a corporation shall acquire any interest, direct or indirect, in real property acquired or held by the corporation. No member of the board or employee of the corporation shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by the corporation. The board may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and employees of the board or corporation.

13-30-115. This act shall be construed liberally to effectuate the legislative intent and the purposes as complete and independent authorization for the performance of each and every act and thing authorized by this act, and all powers granted shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers. Except as otherwise expressly set forth in this act, in the exercise of its powers and duties under this act and its powers relating to property held in the land bank, the corporation shall have complete control as fully and completely as if it represented a private property owner and shall not be subject to restrictions imposed by the charter, ordinances or resolutions of a local unit of government.

13-30-116.

(a) In accordance with existing provisions of Tennessee Code Annotated, §§ 67-5-2505, 67-5-2507, 67-5-2508, 67-5-2509, and 67-5-2514, the corporation is exempt from any state taxation.

(b) Additionally, the corporation has the power to pay any unpaid taxes due and owing by the owner of record of the real property, or make any government mandated improvements to the property, in exchange for the deed of real property to the corporation.

(c) All proceeds from the sale of real property held in the land bank shall be returned to the corporation.

(d) All corporate revenue shall be held by the board of directors, and proceeds shall only go to furthering the aims of the acquisition and/or resale of real property by the corporation for the land bank.

13-30-117.

(a) A corporation shall be authorized to file an action to quiet title as to any real property in which the corporation has an interest. For purposes of any and all such actions, the corporation shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the corporation as adequate complainant in such action.

(b) Prior to the filing of an action to quiet title, the corporation shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the complaint to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property by registered or certified mail, addressed to "occupant";

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the municipality in which the property is located;

(5) By electronically publishing notices with addresses and descriptions via the municipality's Web site; and

(6) Such other methods as the court may order.

(c) As part of the complaint to quiet title, the corporation shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

(d) The court shall schedule a hearing on the complaint within ninety (90) days following filing of the complaint, and as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty (120) days of the filing of the complaint.

(e) A corporation shall be authorized to join in a single complaint to quiet title one (1) or more parcels of real property.

13-30-118.

(a) The creating local government or local governments shall establish an appeal procedure as described in this section for any person aggrieved by the decision of the corporation with respect to real property proposed for acquisition or acquired by, held and disposed of by the corporation for the land bank.

(b) The legislative body of the local government is authorized to create an appeals committee or a joint appeals committee if more than one (1) local government created the corporation. Any person aggrieved by the decision of the corporation concerning any aspect of this act may obtain review of the official's decision by requesting an appeal of the decision of the official in written form to the appeals committee within ten (10) days of the date of the official's decision.

(c) The appeals committee shall hear the appeal within thirty (30) days of the written request for appeal.

(d) The appeals committee shall consider the appeal and render a decision on all hearings within thirty (30) days of the hearing date, unless the hearing is continued from time to time by a majority vote of the committee for further information.

(e) The appeals committee shall act as a quasi-judicial body whose purpose is to determine whether the corporation followed proper and authorized procedures related to the acquisition or disposal of real property held in the land bank, its applicability to the appellant, and to rule upon the actions of the official. The appeals committee shall not be bound by formal rules of evidence applicable to the various courts of the state.

(f) Hearings before the appeals committee shall proceed as follows:

SENATE BILL NO. 3223

PASSED: April 26, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of May 2012



BILL HASLAM, GOVERNOR