

THE
BURNS
MUNICIPAL
CODE

Prepared by the

MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

July 1996

Change 3, November 6, 2006

TOWN OF BURNS, TENNESSEE

MAYOR

Jack L. Garton

VICE MAYOR

Jeff Bishop

COUNCILMEMBERS

Chris Holland
Lewis Orcutt
Tim White

RECORDER/CLERK

Carol Sullivan

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the town agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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

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

The able assistance of Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
TOWN CHARTER¹

¹The Burns town charter contains no provisions on the ordinance adoption procedures. See § 1-104 for information on the passage of city ordinances.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. CHAIRMAN.
3. RECORDER AND TREASURER.

CHAPTER 1

BOARD OF COMMISSIONERS²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Town legislation.

1-101. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 7:00 P.M. on the first Monday of each month at the Burns Town Hall. (1980 Code, § 1-101)

1-102. Order of business. At each meeting of the board of commissioners, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the chairman.

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.
 Fire department: title 7.
 Utilities: titles 18 and 19.
 Wastewater treatment: title 18.
 Zoning: title 14.

²Charter references

Compensation: § 11.
 Oath of office: § 6.
 Powers: § 9.
 Term of office: § 5.
 Vacancy in office: § 3.

- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the chairman.
- (6) Reports from committees, members of the board of commissioners, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1980 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of commissioners at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1980 Code, § 1-103, modified)

1-104. Town legislation. Any action of the board of commissioners having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under the charter shall be done only by ordinance. Each resolution and ordinance shall be in written form before being introduced. The affirmative vote of at least three (3) members of the board of commissioners shall be required to pass any motion, resolution, or ordinance, including two (2) readings in the case of an ordinance. Each ordinance, before being adopted, shall be read at two (2) meetings not less than one week apart, and shall take effect after its adoption, except that, where an emergency exists and the public safety and welfare require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by at least four members of the board of commissioners on two (2) readings on successive days. No ordinance relating to a franchise, exclusive contract, or other special privilege shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection, or subsections, in their amended form. The original copies of all ordinances, resolutions, and motions shall be filed and preserved by the recorder. (1980 Code, § 1-104, as amended by Ord. #122, § 1, June 1999)

CHAPTER 2**CHAIRMAN¹****SECTION**

- 1-201. To be bonded.
1-202. Generally supervises town's affairs.
1-203. Executes town's contracts.

1-201. To be bonded. The chairman shall be bonded in the sum of twenty-five thousand dollars (\$25,000.00), with surety acceptable to the board of commissioners, before assuming the duties of his office. (1980 Code, § 1-201)

1-202. Generally supervises town's affairs. The chairman shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1980 Code, § 1-202)

1-203. Executes town's contracts. The chairman shall execute all contracts as authorized by the board of commissioners. (1980 Code, § 1-203)

¹Charter references

Compensation: § 11.

Duties and powers: § 7.

CHAPTER 3

RECORDER AND TREASURER¹

SECTION

1-301. Offices of recorder and treasurer combined.

1-302. Oath and bond.

1-303. To keep minutes, etc.

1-304. To perform general administrative duties, etc.

1-301. Offices of recorder and treasurer combined. Pursuant to §12 of the town's charter, the offices of recorder and treasurer are hereby combined. (1980 Code, § 1-301)

1-302. Oath and bond. The recorder and treasurer shall take the same oath of office as that prescribed for other officers of the town and, shall be bonded in the sum of twenty-five thousand dollars (\$25,000.00) before assuming the duties of office. The city clerk shall be bonded in the sum of twenty-five thousand dollars (\$25,000.00) before assuming the duties of office. The cost of said bonds being paid by the Town of Burns. (1980 Code, § 1-302)

1-303. To keep minutes, etc. The recorder and treasurer shall keep the minutes of all meetings of the board of commissioners and shall preserve the original copy of all ordinances in a separate ordinance book. (1980 Code, § 1-303)

1-304. To perform general administrative duties, etc. The recorder and treasurer shall perform all administrative duties for the board of commissioners and for the Town of Burns which are not expressly assigned by the charter or this code to another corporate officer. He recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the Town of Burns shall provide. (1980 Code, § 1-304)

¹Charter references

Bond: §§ 6 and 13.

Compensation: §§ 6 and 13.

Duties: §§ 6 and 13.

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

1. MUNICIPAL JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

CHAPTER 1**MUNICIPAL JUDGE****SECTION**

- 3-101. Office of municipal judge created.
- 3-102. [Deleted.]
- 3-103. Term of office; vacancy.
- 3-104. Oath and bond.
- 3-105. Salary.
- 3-106. Absence or disability.

3-101. Office of municipal judge created. Pursuant to the authority granted in Tennessee Code Annotated, §§ 16-18-101 and 16-18-102, there is hereby created and established for the Town of Burns, Tennessee, the office of municipal judge, which judge shall be vested with the judicial powers and functions granted to the recorder under the town's charter, and said judge shall be subject to the provisions of the law governing the recorder's court as set out by the charter. (1980 Code, § 1-501)

3-102. [Deleted]. This section was deleted by Ord. #144, June 2002. (1980 Code, § 1-502, as deleted by Ord. #144, June 2002)

3-103. Term of office; vacancy. The municipal judge shall be appointed by the board of commissioners to serve at their pleasure, and any incumbent judge shall serve until his successor is appointed and qualified. Any vacancy in the office of municipal judge shall be filled for the unexpired term by the board of commissioners. (1980 Code, § 1-503)

3-104. Oath and bond. The municipal judge shall take the same oath of office as that prescribed for other officers of the town and, shall be bonded in

¹Charter reference: § 12.

the sum of five thousand dollars (\$5,000.00) before assuming the duties of office. The court clerk shall be bonded in the sum of five thousand dollars \$5,000.00) before assuming the duties of office. The cost of said bonds being paid by the Town of Burns. (1980 Code, § 1-504)

3-105. Salary. The salary of the municipal judge shall be fixed by the board of commissioners before his or her appointment, and said salary shall not be altered during the term for which he or she is appointed. (1980 Code, § 1-505)

3-106. Absence or disability. In the absence or during the disability of the municipal judge, the chairman shall serve as judge until such time as the municipal judge shall resume his duties. (1980 Code, § 1-506)

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition of fines and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The municipal judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1980 Code, § 1-507)

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

In all cases heard or determined by him, the municipal judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases. (1980 Code, § 1-513)

3-203. Disposition of fines and costs. All funds collected by the municipal court in the form of fines, costs, penalties, and forfeitures shall be recorded and deposited in the Town of Burns general fund by the court clerk. A copy of the deposit slip shall be given to the city clerk for entry on the financial statement each month. (1980 Code, § 1-516)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1980 Code, § 1-517)

3-205. Trial and disposition of cases. Every person charged with violating a town ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the municipal judge is reasonably available. However, the provisions of this section shall not

¹State law reference

Tennessee Code Annotated, § 8-21-401.

apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1980 Code, § 1-511)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The municipal judge, judicial commissioners, court clerk, and chairman shall have the authority to issue warrants for the arrest of persons charged with violating municipal ordinances and state law. (1980 Code, § 1-508)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1980 Code, § 1-509)

3-303. Issuance of subpoenas. The municipal judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1980 Code, § 1-510)

¹State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the municipal judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the municipal judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1980 Code, § 1-512)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1980 Code, § 1-514)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the municipal judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1980 Code, § 1-515)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4**MUNICIPAL PERSONNEL****CHAPTER**

1. SOCIAL SECURITY--TOWN PERSONNEL.
2. PERSONNEL POLICY.
3. INFECTIOUS DISEASE CONTROL POLICY.
4. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1**SOCIAL SECURITY--TOWN PERSONNEL****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-106. Exclusions.
- 4-107. When effective.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Burns, Tennessee, to extend as of the date hereinafter set forth, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor of the Town of Burns, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the director of old age and survivors insurance agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1980 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at

such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1980 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1980 Code, § 1-704)

4-105. Records and reports. The said town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1980 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of said town or any employee, official or position not authorized to be covered under applicable state or federal laws or regulations.

The mayor is authorized and directed to execute an amendment to said Agreement of 01-01-83 to exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a state's modification is mailed, or delivered by other means, to the appropriate federal official. (1980 Code, § 1-706, as amended by Ord. #95, Jan. 1995)

4-107. When effective. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force from and after its passage, and approval, and shall be effective the 16th day of May, 1983. (1980 Code, § 1-707)

CHAPTER 2

PERSONNEL POLICY

SECTION

- 4-201. Personnel policy.
- 4-202. Employees.
- 4-203. Hiring procedures.
- 4-204. Benefits.
- 4-205. Grievances procedures.
- 4-206. State and federal personnel mandates.
- 4-207. Miscellaneous personnel policies.
- 4-208. Dismissal.
- 4-209. Personnel policy changes.

4-201. Personnel policy. (1) Purpose. The purpose of this chapter is to establish a system of personnel administration in the Town of Burns, Tennessee.

(2) At-will employer. The Town of Burns, Tennessee is an at-will employer. Nothing in this chapter may be constructed as creating a property right or contract right to any job for any employee.

(3) Coverage. The following personnel are not covered by this policy, unless otherwise provided:

- (a) All elected officials.
- (b) Members of appointed boards and commissions.
- (c) Consultants, advisers, and legal council rendering temporary professional service.
- (d) The city attorney.
- (e) Independent contractors and/or contract employees.
- (f) Volunteer personnel.
- (g) The city judge.
- (h) The city court clerk.

All other employees of the municipal government are covered by this personnel policy. (1980 Code, § 1-901, as amended by Ord. #87, Feb. 1994; and replaced by Ord. #117, § 1, June 1998)

4-202. Employees. (1) Full-time. Full-time employees are individuals employed by the municipal government who normally work 40 hours per week.

(2) Part-time. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 30 hours per week or who are temporary and/or seasonal employees. (1980 Code, § 1-902, as replaced by Ord. #117, § 2, June 1998)

4-203. Hiring procedures. (1) Policy statement. The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

(2) Application. All persons seeking appointment or employment with the municipality must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the city clerk's office during regular working hours only. Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.

(3) Interviews. All appointments will be preceded by an interview with the department head.

(4) Pre-appointment exams. For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral test related to the essential functions of the job, drug testing, and upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request for accommodations.

(5) Appointments, etc. All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter. (1980 Code, § 1-903, as replaced by Ord. #117, § 3, June 1998)

4-204. Benefits. (1) Holidays. Generally full-time employees are allowed a day off with pay on the following holidays:

- | | | |
|-----|------------------------|--------------------------|
| (a) | New Years Day | January 1st |
| (b) | M. L. King Day | 3rd Monday in January |
| (c) | Presidents Day | 3rd Monday in February |
| (d) | Memorial Day | Last Friday in May |
| (e) | Independence Day | July 4th |
| (f) | Labor Day | 1st Monday in September |
| (g) | Columbus Day | 2nd Monday in October |
| (h) | Veterans Day | November 11th |
| (i) | Thanksgiving Day | 4th Thursday in November |
| (j) | Day after Thanksgiving | 4th Friday in November |
| (k) | Christmas Eve | December 24th |
| (l) | Christmas Day | December 25th |

Employees must be in a pay status on the work day before and the work day after the holiday, unless otherwise excused by their supervisor, to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted 8 hours off on an alternate day approved by the supervisor or an additional 8 hours pay for the holiday.

(2) Vacation leave. Vacation leave period is from January 1, to December 31, of each calendar year and cannot be carried over to the next calendar year.

All full-time employees of the municipality shall accrue vacation leave monthly upon the compensation of each calendar month of service. Vacation leave will begin to accrue as of the first full month of employment, but cannot be taken until the employee has completed six (6) months of employment. As the number of years of service increases, the amount of leave granted increases and may accumulate to the maximum accrual as shown below:

- | | | |
|-----|--------------------|-----------------|
| (a) | After one year | One (1) week |
| (b) | After four years | Two (2) weeks |
| (c) | After eight years | Three (3) weeks |
| (d) | After twelve years | Four (4) weeks. |

Vacation leave shall be taken at a time approved by the employee's supervisor. Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed.

(3) Sick leave. All full-time employees shall accumulate one (1) day of sick leave with pay for each month of work completed for the municipality, maximum accumulation of 120 days. Sick leave shall be granted for any of the following reasons:

- (a) Person illness or physical incapacity resulting from causes beyond the employee's control.
- (b) Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees.
- (c) Medical, dental, optical or other professional treatments or examinations.
- (d) Acute illness.

An employee may be granted five (5) days off with pay for death of a member of the employee's immediate family (i.e. spouse, parents, children). In cases of other relatives they may be granted three (3) days off with pay. Sick leave shall be taken in daily increments. Employee's shall not be paid for unused sick leave upon the employee's termination, resignation, or retirement. (as added by Ord. #117, § 4, June 1998)

4-205. Grievance policy. The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical

facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within (5) working days of the incident causing the grievance.

Employees must remember that there is no grievance until the department head or other appropriate persons has been made aware of the dissatisfaction by written notice. Once this is done, the following steps are to be taken:

Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.

Step 3. Discuss the problem with the mayor of the municipality. If the grievance is not resolved, it is advanced to the fourth step along with all documentation.

Step 4. Discuss the problem with the city council. The council's decision is the last and final step in the process. The decision of the council is final and binding to all parties involved. (as added by Ord. #117, § 5, June 1998)

4-206. State and federal personnel mandates. (1) Discrimination prohibited. The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964-42 USC, 2000e15; Equal Act 1963-29 USC 206(d); Age Discrimination in Employment Act-29 USC 621 et seq; Americans with Disabilities Act-42 USC 506 et seq).

(2) Sexual harassment prohibited. Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, request for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he/she has been subjected to sexual harassment should immediately report this to their supervisor or a member of

the city council. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment. The municipality will conduct an immediate investigation in an attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for determination.

(3) Occupational safety and health. The municipality shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 USC 656 et seq.) and the Tennessee OSHA Law (Tennessee Code Annotated, § 50-3-101 et seq.).

(4) Overtime compensation. The Fair Labor Standards Act (FLSA) shall govern the overtime compensation of municipal employees (29 CFR 553.1 et seq.).

(5) Military leave/veterans' re-employment. All employees who are members of reserve components of armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent orders," they must given such leave with pay not exceeding 15 working days in any one calendar year (Tennessee Code Annotated, § 8-33-109). Also, any employee of the municipality who leaves his/her job voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 USC 202-2016) and the Tennessee Military Leave Act (Tennessee Code Annotated, § 8-33-101 et seq.).

(6) Family and medical leave. N/A less than 50 employees.

(7) Commercial driver's license. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

(8) Employee drug testing. Employees may be subjected to drug testing if required by department heads or the city council.

(9) [Deleted.] This subsection was deleted by Ord. #144, June 2002.

(10) Employee right to contact officials. No employee shall be disciplined or discriminated against for communicating with an elected official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter (Tennessee Code Annotated, § 8-50-601-604).

(11) Civil leave. Civil leave with pay shall be granted to employees for the following reasons:

(a) Jury duty (Tennessee Code Annotated, § 22-4-108).

(b) To answer a subpoena to testify for the municipality.

(12) Voting. When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with Tennessee Code Annotated, § 2-1-106.

(13) Political activity. Employees have the same rights as other citizens to be a candidate for state or local political and to participate in political

activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election (Tennessee Code Annotated, § 7-51-1501).

(14) Travel policy. All employees, including elected and appointed officials, are required to comply with the municipality's travel policy BMC, Title 4, Chapter 4, and as required by Tennessee Code Annotated, § 6-54-901. (as added by Ord. #117, § 6, June 1998, and amended by Ord. #144, June 2002)

4-207. Miscellaneous personnel policies. (1) Outside employment. No full-time employee of the municipality may accept any outside employment without written authorization from the department head.

(2) Use of municipal time, vehicles, facilities, etc. No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, group, or organization other than the municipality. Decisions about aid to charitable, civic or other organizations will be made exclusively by the governing body.

(3) Accepting of gratuities. No employee shall accept any money, other considerations, or favors from anyone other than the municipality for performing an act that he/she would be required or expected to perform in the regular course of his/duties. No employee shall accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to influence his/her actions with respect to the municipality's business. (as added by Ord. #117, § 7, June 1998)

4-208. Dismissal. (1) At-will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

(2) Name-clearing hearing. A name-clearing will be given to any terminated, demoted, or suspended employee that requests one. This hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his/her name. (as added by Ord. #117, § 8, June 1998)

4-209. Personnel policy changes. Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be changed by ordinance from time to time as the need arises. (as added by Ord. #117, § 8, June 1998)

CHAPTER 3

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-301. Purpose.
- 4-302. Coverage.
- 4-303. Administration.
- 4-304. Definitions.
- 4-305. Policy statement.
- 4-306. General guidelines.
- 4-307. Specific guidelines for town departments.
- 4-308. Hepatitis B vaccinations.
- 4-309. Reporting potential exposure.
- 4-310. Hepatitis B virus post-exposure management.
- 4-311. Human immunodeficiency virus post-exposure management.
- 4-312. Disability benefits.
- 4-313. Training regular employees.
- 4-314. Training high risk employees.
- 4-315. Training new employees.
- 4-316. Records and reports.
- 4-317. Legal rights of victims of communicable diseases.

4-301. Purpose. It is the responsibility of the Town of Burns to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Burns, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (1980 Code, § 1-1001(1))

4-302. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;

- (3) Housekeeping and laundry workers;
- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (1980 Code, § 1-1001(2))

4-303. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or body fluids;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of commissioners any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of commissioners. (1980 Code, § 1-1001(3))

4-304. Definitions. (1) "Body fluid" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (1980 Code, § 1-1001(4))

4-305. Policy statement. All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (1980 Code, § 1-1002(1))

4-306. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or body fluids which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or body fluids to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick

injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The town will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or body fluids to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other body fluids.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous"

dumpster. **NOTE:** Sharp objects must be placed in an impervious container and then taken to a hospital for disposal.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1980 Code, § 1-1002(2))

4-307. Specific guidelines for town departments. (1) Fire and emergency medical services. These guidelines apply to fire and emergency medical services. This includes structural fire fighters, paramedics, emergency medical technicians, and advanced life support personnel. Fire and emergency medical services personnel are engaged in the delivery of medical care in the prehospital setting. The following guidelines are intended to assist these personnel in making decisions concerning use of personal protective equipment and resuscitation equipment, as well as for decontamination, disinfection, and disposal procedures.

(a) Appropriate personal protective equipment shall be made available routinely by the town to reduce the risk of exposure as defined above. For many situations, the chance that the rescuer will be exposed to blood and other body fluids can be determined in advance. Therefore, if the chances of being exposed to blood is high (e.g. CPR, IV insertion,

trauma, delivering babies, etc...), the employee shall put on protective attire before beginning patient care.

(b) Disposable gloves shall be a standard component of emergency response equipment, and shall be donned by all personnel prior to initiating any emergency patient care tasks involving exposure to blood or other body fluids. Extra pairs shall always be available. For situations where large amounts of blood are likely to be encountered, it is important that gloves fit tightly at the wrist to prevent blood contamination of hands around the cuff. For multiple trauma victims, gloves should be changed between patient contacts, if the emergency situation allows.

Greater personal protective equipment measures are indicated for situations where broken glass and sharp edges are likely to be encountered, such as extricating a person from an automobile wreck. Structural fire-fighting gloves that meet the Federal OSHA requirements for fire-fighters' gloves shall be worn in any situation where sharp or rough surfaces are likely to be encountered.

While wearing gloves, avoid handling personal items, such as combs and pens, that could become soiled or contaminated. Gloves that have become contaminated with blood or other body fluids should be removed as soon as possible, taking care to avoid skin contact with the exterior surface. Contaminated gloves shall be placed and transported in bags that prevent leakage and shall be disposed of properly. Reusable gloves shall be cleaned and disinfected immediately.

(c) Masks, eyewear, and gowns shall be present on all emergency vehicles that respond or potentially respond to medical emergencies or victim rescues. These protective barriers shall be used in accordance with the level of exposure encountered. Minor lacerations or small amounts of blood do not merit the same extent of barrier use as required for exsanguinating victims or massive arterial bleeding.

Management of the patient who is not bleeding, and who has no bloody body fluids present, should not routinely require use of barrier precautions. Masks and eyewear shall be worn together, or a faceshield shall be used by all personnel prior to any situation where splashes of blood or other body fluids are likely to occur. Gowns or aprons shall be worn to protect clothing from splashes with blood. If large splashes or quantities of blood are present or anticipated, impervious gowns or aprons shall be worn. An extra change of work clothing should also be available at all times.

(d) Disposable resuscitation equipment and devices shall be used once and disposed of or, if reusable, thoroughly cleaned and disinfected after each use. Mechanical respiratory assist devices such as bag-valve masks or oxygen demand valve resuscitators shall be available on all emergency vehicles and to all emergency response personnel who

respond or potentially respond to medical emergencies of victim rescues. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretions, and vomitus shall be provided to all personnel who provide or potentially provide emergency treatment.

(2) Law enforcement and security officers. Law enforcement officers and security personnel may face the risk of exposure to blood during the conduct of their duties. There is an extremely diverse range of potential situations which may occur in the control of persons with unpredictable, violent, or psychotic behaviors. Therefore, informed judgment of the individual officer is paramount when unusual circumstance or events arise.

The following guidelines are intended to serve as an adjunct to rational decision making in those situations where specific guideline do not exist, particularly where immediate action is required to preserve life or prevent significant injury.

(a) Law-enforcement and security personnel are exposed to a range of assaultive and disruptive behavior through which they may potentially become exposed to blood or other body fluids containing blood. Behaviors of particular concern are biting, attacks resulting in blood exposure, and attacks with sharp objects. Such behavior may occur in a range of law enforcement situations including arrests, routine interrogations, domestic disputes, and lockup operations. Hand-to-hand combat may result in bleeding and may thus incur a greater chance for blood-to-blood exposure.

In all cases, extreme caution must be used in dealing with suspects if there is any indication of assaultive or combative behavior. When blood is present and a suspect is combative or threatening to staff, gloves should always be put on as soon as conditions permit. In case of blood contamination of clothing, an extra change of clothing should be available at all times.

(b) Law enforcement personnel should also be concerned about infection through the administration of cardiopulmonary resuscitation. Protective masks or airways shall also be available to officers and provided with the proper training in their use.

(c) An officer should use great caution in searching the clothing of suspects. Individual discretion, based on the circumstances at hand, should determine if a suspect or prisoner should empty his/her own pockets or if the officer should use his own skills in determining the contents of a suspect's clothing. When a search is warranted the following guidelines shall be used:

(i) A safe distance should always be maintained between the officer and the suspect.

(ii) Protective gloves should be worn if exposure to blood is likely to be encountered.

(iii) Protective gloves should be used for all body cavity searches.

(iv) If cotton gloves are to be worn when working with evidence of potential latent fingerprints value at the crime scene, they can be worn over protective disposable gloves when exposure to blood may occur.

(v) Always carry a flashlight, even during the daylight shifts, to search hidden areas. Whenever possible, use long-handled mirrors and flashlights to search under car seats.

(vi) If searching a purse, carefully empty contents directly from the purse, by turning it upside down over a table.

(vii) Use puncture-proof containers to store sharp instruments and clearly mark plastic bags to store other possibly contaminated items.

(viii) To avoid tearing gloves, use evidence tape instead of metal staples to seal evidence.

(ix) When possible evidence items should be air dried before sealing in plastic.

(d) Officers and crime scene technicians may confront unusual hazards, especially when the crime scene involves violent behavior, such as a homicide where large amounts of blood are present. Protective gloves shall be available and worn in this setting. In addition, for very large spills, consideration should be given to other protective clothing, such as overalls, aprons, boots, or protective shoe covers. They should be changed if torn or soiled, and always remove prior to leaving the scene. While wearing gloves, avoid handling personal items, such as combs and pens, that could become soiled or contaminated.

(e) Face masks and eye protection or a face shield are required for laboratory and evidence technicians whose jobs entail potential exposure to blood via a splash to the face, mouth, nose, or eyes. Airborne particles of dried blood may be generated when a stain is scraped.

(f) While processing the crime scene, personnel should be alert for the presence of sharp objects such as hypodermic needles, knives, razors, broken glass, nails, or other sharp objects.

(g) For detectives, investigators, evidence technicians, and others who may have to touch or remove a body, the response should be the same as for situations requiring CPR or first aid;

(i) Wear gloves and cover all cuts and abrasions to create a barrier and carefully wash all exposed areas after any contact with blood.

(ii) The precautions to be used with blood and deceased persons should also be used when handling amputated limbs, hands, or other body parts.

(h) Protective masks and eyewear, laboratory coats, gloves, and waterproof aprons should be worn when performing or attending all autopsies. All autopsy materials should be considered infectious for both HIV and HBV. Onlookers with an opportunity for exposure to blood splashes should be similarly protected.

(3) Housekeeping and sanitation. All places of employment, passageways, storerooms, and service rooms shall be kept clean and orderly and in a sanitary condition. When a blood or body fluid spill occurs, one of the following disinfecting techniques shall be used:

(a) A chemical germicide that is approved for use as a hospital disinfectant shall be used.

(b) A product registered by the Environmental Protection Agency as being effective against HIV shall be used.

(c) A solution of 5.25% sodium hypochlorite (household bleach) diluted between 1:10 and 1:100 with water.

Any receptacle used for decaying or rotten solids or liquid waste or refuse shall be so constructed that it does not leak and may be thoroughly cleaned and maintained in a sanitary condition. Such a receptacle shall be equipped with a solid, tight-fitting cover, unless it can be maintained in a sanitary condition with a cover.

All sweeping, solid or liquid wastes, refuse, and garbage shall be removed in such a manner to avoid creating a menace to health and as often as necessary or appropriate to maintain the place of employment in a sanitary condition. (1980 Code, § 1-1003)

4-308. Hepatitis B vaccinations. The Town of Burns shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (1980 Code, § 1-1004(1))

4-309. Reporting potential exposure. Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (1980 Code, § 1-1004(2))

4-310. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (1980 Code, § 1-1004(3))

4-311. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during

sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the town to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1980 Code, § 1-1004(4))

4-312. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303. (1980 Code, § 1-1004(5))

4-313. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1980 Code, § 1-1005(1))

4-314. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (1980 Code, § 1-1005(2))

4-315. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (1980 Code, § 1-1005(3))

4-316. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e.

gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (1980 Code, § 1-1006)

4-317. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and, or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the town attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the town attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstances, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or town attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (1980 Code, § 1-1007)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-401. Enforcement.
- 4-402. Travel policy.
- 4-403. Travel reimbursement rate schedule.
- 4-404. Administrative procedures.

4-401. Enforcement. The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #84, Nov. 1993)

4-402. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the town business for which travel was authorized, and

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (Ord. #84, Nov. 1993)

4-403. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #84, Nov. 1993)

4-404. Administrative procedures. The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #84, Nov. 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. WHOLESALE BEER TAX.
3. PURCHASES.
4. EMERGENCY PURCHASES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Fiscal year.
5-102. Depositories for city funds.

5-101. Fiscal year. The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1980 Code, § 6-101)

5-102. Depositories for city funds. Any bank located in Dickson County shall be the official depositories for all city funds. (1980 Code, § 6-102, as amended by Ord. #90, May 1994, and replaced by Ord. #135, Nov. 2000)

¹Charter references: §§ 13--15.

CHAPTER 2

WHOLESALE BEER TAX

SECTION

5-201. To be collected.

5-201. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1980 Code, § 6-201)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

CHAPTER 3

PURCHASES

SECTION

5-301. When advertising and bids required.

5-302. When council approval required.

5-303. Purchases from other government agencies.

5-304. Invoices or purchase orders to be signed or initialed.

5-305. When council may deny payment.

5-301. When advertising and bids required. Purchases or lease-agreements shall be made or entered into only after public advertisement and competitive bid with the following exceptions:

(1) Those \$10,000 or less;

(2) Those made pursuant to Tennessee Code Annotated, §§ 12-3-1001, and 12-3-1002;

(3) Those made from public utilities. (Ord. #88, March 1994, as replaced by Ord. #134, Nov. 2000)

5-302. When council approval required. All expenditures requiring public advertisement and competitive bids shall first be approved by the city council. Any purchase not covered by this chapter that exceeds \$2,500 must be approved by the city council. Purchases made from public utility are exempted from this requirement. (Ord. #88, March 1994, as replaced by Ord. #134, Nov. 2000)

5-303. Purchases from other government agencies. Purchases may be made from other government agencies without public advertisement and competitive bids. Any purchases exceeding \$ 2,500 must be approved by the city council. (Ord. #88, March 1994, as replaced by Ord. #134, Nov. 2000)

5-304. Invoices or purchase orders to be signed or initialed. Purchases must be approved and signed or initialed by one of the following: mayor, recorder, fire chief, police chief, judge, or by a person authorized by the department head. If purchase order forms are used, they must be numbered consecutively and signed by one of the above. Purchases made from public utility are exempted from this requirement. (Ord. #88, March 1994, as replaced by Ord. #134, Nov. 2000)

5-305. When council may deny payment. The city council may deny payment of any expenditure made or incurred in violation of this chapter. (Ord. #88, March 1994, as replaced by Ord. #134, Nov. 2000)

CHAPTER 4**EMERGENCY PURCHASES****SECTION**

5-401. When authorized.

5-402. Mayor to report.

5-401. When authorized. Emergency purchases may be made by department heads, but emergency status will only be obtained after conferring with the mayor. (Ord. #88, March 1994, as replaced by Ord. #134, Nov. 2000)

5-402. Mayor to report. The mayor shall make a report of all such expenditures at the next council meeting. (Ord. #88, March 1994, as replaced by Ord. #134, Nov. 2000)

TITLE 6**LAW ENFORCEMENT****CHAPTER**

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1**POLICE AND ARREST¹****SECTION**

- 6-101. Chief to be bonded.
- 6-102. Policemen subject to chief's orders.
- 6-103. Policemen to preserve law and order, etc.
- 6-104. Policemen to wear uniforms and be armed.
- 6-105. When policemen to make arrests.
- 6-106. Policemen may require assistance in making arrests.
- 6-107. Disposition of persons arrested.
- 6-108. Police department records.

6-101. Chief to be bonded. The chief of police shall be bonded in the sum of fifty thousand dollars (\$50,000.00), with surety acceptable to the board of commissioners, before assuming the duties of his office. (1980 Code, § 1-401)

6-102. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1980 Code, § 1-402)

6-103. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the Town of Burns. They shall patrol the Town of Burns and shall assist the town court during the trial of cases. Policemen shall also promptly serve any legal process issued by the town court. (1980 Code, § 1-403)

6-104. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of commissioners shall authorize and shall carry a service pistol and billy club at all times while on

¹Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

duty unless otherwise expressly directed by the chief for a special assignment. (1980 Code, § 1-404)

6-105. When policemen to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1980 Code, § 1-405)

6-106. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1980 Code, § 1-406)

6-107. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the town court for immediate trial or allowed to post bond. When the arrested person is drunk or when the town judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1980 Code, § 1-407)

6-108. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

(1) All known or reported offenses and/or crimes committed within the corporate limits of the Town of Burns.

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1980 Code, § 1-408)

CHAPTER 2**WORKHOUSE****SECTION**

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1980 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1980 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.¹ (1980 Code, § 1-603)

¹State law reference

Tennessee Code Annotated, § 40-24-104.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be all that area of town from West Circle Drive to Highway 47 south and west of Highway 96 two hundred feet. (1980 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. International Fire Code adopted.
- 7-202. Modifications.
- 7-203. Geographic limits.
- 7-204. [Deleted.]
- 7-205. Violations.

7-201. International Fire Code adopted. A certain document, three (3) copies of which are on file in the office of the recorder of the Town of Burns, being marked and designated as the International Fire Code,² 2003 edition, including Appendix, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Town of Burns, in the State of Tennessee, regulating and governing the safeguarding of like and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the recorder for the Town of Burns are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 7-202 of this chapter. (1980 Code, § 7-201, as replaced by Ord. #166, Jan. 2006)

7-202. Modifications. The following sections are hereby revised:

- Section 101.1 Insert: Town of Burns
- Section 109.2 Insert: Fifty and 00/100 (\$50.00) dollars fine. Each day shall constitute a separate offense.
- Section 111.4 Insert: Fifty and 00/100 (\$50.00) dollars fine. Each day shall constitute a separate offense.

(1980 Code, § 7-202, as replaced by Ord. #166, Jan. 2006)

7-203. Geographic limits. The geographic limits referred to in certain sections of the 2003 International Fire Code are established as follows:

¹Municipal code reference
 Building, utility and housing codes: title 12.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

Section 3204.3.1.1 The storage of flammable cryogenic fluids in stationary containers is prohibited within the corporate limits of the Town of Burns, Tennessee.

Section 3404.2.9.5.1 The storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited within the corporate limits of the Town of Burns, Tennessee.

Section 3406.2.4.4 The storage of Class I and Class II liquids in above ground tanks is prohibited within the corporate limits of the Town of Burns, Tennessee.

Section 3804.2 The storage of liquefied petroleum gas is restricted from the protections of heavily populated or congested areas within the corporate limits of the Town of Burns, Tennessee. (1980 Code, § 7-203, as replaced by Ord. #166, Jan. 2006)

7-204. [Deleted.] (1980 Code, § 7-204, as deleted by Ord. #166, Jan. 2006)

7-205. Violations. It shall be unlawful for any person to violate any provision of the fire code hereby adopted or violate or fail to comply with any order made thereunder. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1980 Code, § 7-205)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

7-308. Police powers of chief.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of commissioners. The chief shall appoint such number of qualified subordinate officers and firemen as he deems necessary to carry out the duties of the fire department. (1980 Code, § 7-301)

7-302. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1980 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. (1980 Code, § 7-303)

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

See Ord. No. 53, of record in the recorder's office, for authority for a mutual aid agreement with Dickson County.

7-304. Records and reports. The chief of the volunteer department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1980 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall serve at the pleasure of the board of commissioners and shall hold office for a term to be fixed by the board of commissioners not to exceed two years or until his successor is elected and qualified unless he is removed by the board for good cause. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department for good cause. The chief may be suspended up to thirty (30) days by the chairman of the board (mayor), but may be dismissed only by the board of commissioners. The chief may request a public hearing and if so he shall be granted the request.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (1980 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the volunteer fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1980 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the volunteer fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the insurance commissioner in the execution of the provisions thereof. (1980 Code, § 7-308)

7-308. Police powers of chief. The chief of the volunteer fire department may exercise police powers in times of fire and summon to his assistance such additional help as he may deem necessary to control the fire. (1980 Code, § 7-308)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Purpose.
- 7-402. Definition of terms.
- 7-403. Permits required for sale.
- 7-404. Business licenses required.
- 7-405. Permissible items of fireworks.
- 7-406. Conditions for sale and use of permissible articles.
- 7-407. Public displays - permits - regulation.
- 7-408. Retail sale of permissible articles - time limitations - exceptions.
- 7-409. Private use of permissible articles - time limitations - exceptions.
- 7-410. Regulations governing storing, locating, or display of fireworks.
- 7-411. Unlawful acts in the sale and handling of fireworks.
- 7-412. Exceptions to application.
- 7-413. Penalty for violation.
- 7-414. Seizure and destruction of fireworks.
- 7-415. Requirement or compliance with state regulations not affected.

7-401. Purpose. The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display within the corporate limits of the Town of Burns, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (1980 Code, § 7-401)

7-402. Definition of terms. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

(1) "Manufacturer", any person engaged in making, manufacture, or construction of fireworks of any type within the Town of Burns or the State of Tennessee.

(2) "Distributor", any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a jobber, wholesaler or retailer.

(3) "Wholesaler", any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail.

(4) "Jobber", any person engaged in the business of making sales of fireworks to bona fide tourist for use outside the State Tennessee.

(5) "Retailer", any person engaged in the business of making sales of fireworks to consumers.

(6) Singular and plural words used in the singular include the plural and the plural the singular.

(7) "Sale", an exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal, proprietor, salesman, agent, association, co-partnership, or one (1) or more individuals.

(8) "Person", includes any corporation, association, co-partnership or one (1) or more individuals.

(9) "Permit", a permit is the written authority of the town fire chief or his representative issued under the authority of chapter 7, HMC, or under the authority of the state fire marshal issued under the authority of Tennessee Code Annotated, §§ 68-104-106--68-104-116.

(10) "I.C.C. class C common fireworks", shall mean all articles of fireworks as are now or hereafter classified as "ICC Class C common fireworks" in the regulation of the Interstate Commerce Commission for the transportation of explosive and other dangerous articles.

(11) The term "special fireworks" shall mean all articles of fireworks that are classified as class B explosives in the regulation of the Interstate Commerce Commission and shall include all articles other than those classified as Class C. (1980 Code, § 7-402)

7-403. Permits required for sale. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the Town of Burns, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the town fire chief or his representative and also from the state fire marshal, possession of said permit being thereby a condition prerequisite to manufacturing, selling, or offering for sale, shipping or causing to be shipped any fireworks into or within the Town of Burns, except as herein provided. This provision applies to non-residents as well as residents of the Town of Burns.

(1) Prior to engaging in the sale within the Town of Burns, Tennessee or shipment into the Town of Burns, of any fireworks each person must make application on forms secured from the town fire chief or his representative and the state fire marshal for a permit or permits required under this chapter.

(2) The manufacture or bulk storage (storage other than limited amounts incidental to permitted retail sales or public displays) of fireworks within the corporate limits of the Town of Burns is prohibited, and a violation of this section is unlawful and punishable under the provisions of this ordinance or the applicable state code.

(3) The decision of the town fire chief or his representative as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18), a non-resident, non-property owner, or non-business owner in the Town of Burns. All permits shall be for the period April 1, through March 31 on a yearly basis and any fraction thereof. Permits issued to retailers must be displayed near the point of sale and visible for public inspection. No permit provided for herein shall be

transferable nor shall a person be permitted to operate under a permit issued to another person.

(4) In addition to charges for permits authorized to the state fire marshal for state permits, the town fire chief or his representative is directed to charge for permits issued as follows: Wholesaler _____; Retailer \$100.00; Display \$25.00.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and address of purchasers. All fees collected for said permits shall be payable directly to the general fund of the Town of Burns. (1980 Code, § 7-403)

7-404. Business license required. The issuance of permits herein required does not replace or relieve any person of state, county or municipal licenses as now or hereafter provided by law. Before the issuance of any town business or privilege license, the city recorder shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the town fire chief or his representative and by the state fire marshal. (1980 Code, § 7-404)

7-405. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the Town of Burns, or ship into the Town of Burns, except as provided in § 7-406, any pyrotechnics, commonly known as "fireworks", other than permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fireworks only, and shall include those items enumerated in Tennessee Code Annotated, § 68-104-108, or which may be enumerated in said section. (1980 Code, § 7-405)

7-406. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in Tennessee Code Annotated, § 68-104-108, shall be sold, offered for sale, or possessed within the town, or used in the Town of Burns, except as here provided for public display, unless it shall be properly named to conform to the nomenclature of Tennessee Code Annotated, § 68-104-108, and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container, "ICC class C common fireworks", such imprinting to be of sufficient size and so positioned as to be readily recognized by law-enforcement authorities, and the general public. (1980 Code, § 7-406)

7-407. Public displays - permits - regulation. The public display of fireworks within the corporate limits of the Town of Burns shall be governed by the provisions of Tennessee Code Annotated, § 68-104-107. Required permits for controlled, public display of fireworks shall be obtained from the state fire marshall and also from the town fire chief or his representative. (1980 Code, § 7-407)

7-408. Retail sale of permissible articles - time limitations - exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be sold at retail to residents of the Town of Burns and used within the Town of Burns from June 20th through July 11th, and from December 10th through January 9th of each year only, except for a special occasions, holidays, and times and circumstances as may be designated or provided hereafter by the board of commissioners by motion. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredth (25/100th) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper caps which contain less than twenty-five hundredth (25/100th) grains of explosive compounds, cone, bottles, tubes and other type serpentine pop-off novelties, nonpoisonous toy snakes, smoke sticks with report and sparklers, the sale and use of which shall be permitted at all times. (1980 Code, § 7-408)

7-409. Private use of permissible articles - time limitations - exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored, used and expended within the Town of Burns by private citizens for their personal use and enjoyment during the periods June 20th through July 11th, and from December 10th through January 9th of year only, except for a special occasions, holidays, and times and circumstances as may be designated or provided hereafter by the board of commissioners by motion. Under the following restrictions:

(1) Permitted fireworks shall not be ignited, exploded, or otherwise used in any area or location of the town whereby persons or property may be endangered.

(2) Permitted fireworks shall not be ignited, exploded, or otherwise used within three hundred (300) feet of any business or storage area whereat or wherein flammable materials are sold, used or stored.

(3) Permitted fireworks may be ignited, exploded or otherwise used during the hours of 8:00 A.M. through 10:30 P.M., daily during the permitted periods. Except times and circumstances as may be designated or provided hereafter by the board of commissioners by motion.

(4) Small children, those under the age of ten (10) years, shall be supervised by adults when using permitted fireworks.

(5) If the use of permitted fireworks in a specific area of the town becomes a public nuisance or endangerment to private or public property in the opinion of the town fire chief, or the town police chief, these officials or their authorized representative are authorized and directed to prohibit said use therein or thereat. (1980 Code, § 7-409)

7-410. Regulations governing storing, locating or display of fireworks. Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within twenty-five (25) feet of

where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "FIREWORKS-NO SMOKING WITHIN 25 FEET" in letters not less than four (4) inches high.

(1) No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers.

(2) No fireworks shall be stored, placed, located, sold or traded within fifty (50) feet of any other building, nor within one hundred (100) feet of a retail gasoline sales outlet (service station, market, or other such facility) or bulk petroleum storage or distribution facility. All measurement shall be from building-to-building, and not from property line-to-property line.

(3) The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the town fire chief or his representative previous to the issuance of any required permits and licenses. (1980 Code, § 7-410)

7-411. Unlawful acts in the sale and handling of fireworks. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years, or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within three hundred (300) feet of any church, hospital, asylum, public school, or place where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within, or throw the same from a motor vehicle while within; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any person or group of persons. (1980 Code, § 7-411)

7-412. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military of the United States, or the State of Tennessee or to the peace officers of the town or of the state, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the town fire chief, or his representative, and the state fire marshal, after approval of the county agricultural agent of Dickson County, Tennessee, and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town and the state. (1980 Code, § 7-412)

7-413. Penalty for violation. Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, an

individual, firm, partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor and conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00). Each day that any violation of the provisions of this chapter continues shall be a separate triable offense. (1980 Code, § 7-413)

7-414. Seizure and destruction of fireworks. The town fire chief or his representative shall seize as contraband fireworks other than "Class C Common Fireworks" as defined in § 7-405 hereof, and Tennessee Code Annotated, § 68-104-108, or "Special Fireworks" for public displays as provided in § 7-407 of this chapter, which are sold, displayed, used or possessed in violation of this chapter. The town fire chief or his representative is authorized to destroy any fireworks so seized. (1980 Code, § 7-414)

7-415. Requirements or compliance with state regulations not affected. This chapter shall in no wise affect the validity of any law or regulation promulgated by the State of Tennessee or by the fire marshal thereof, as relates to the control and regulation of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the Town of Burns in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Burns. (1980 Code, § 7-415)

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. PACKAGED LIQUOR.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the Town of Burns. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1980 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. Issuance of permits.
- 8-210. Interference with public health, safety, and morals prohibited.
- 8-211. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-212. Prohibited conduct or activities by beer permit holders.
- 8-213. Revocation of beer permits.
- 8-214. Applicant to present recorder with sales tax documentation.

8-201. Beer board established. There is hereby established a beer board to be composed of all the members of the board of commissioners. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without additional compensation. (1980 Code, § 2-201)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1980 Code, § 2-202)

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc.,

¹State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1980 Code, § 2-203)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1980 Code, § 2-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the Town of Burns in accordance with the provisions of this chapter. (1980 Code, § 2-205)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1980 Code, § 2-206)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer within the Town of Burns without first making application to and obtaining a permit from the beer board. The applicant must be a person of good moral character and must certify that he has read and is familiar with the provisions of this chapter.

An applicant for a beer permit shall be required to pay a non-returnable application fee of \$250.00, which shall be turned in along with the application. If the application is granted or denied, the fee will not be returned, it will be deposited in the general fund of the town.

There is imposed a \$100.00 per year privilege tax on the business of selling, distributing, storing, or manufacturing beer. Revenues from this tax go to the general fund to be used for any town purpose. The tax is due on January 1 of each year. The city recorder must mail written notice to each permit holder of the payment date at least 30 days before January 1. If the permit holder does not pay by January 31, the city recorder must again notify the permit holder that payment is due. If the permit holder does not pay within 10 days after receiving the notice, the permit is void. (Ord. #85, Nov. 1993)

8-208. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted so as to authorize sales only for off premises consumption or only for on-

premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1980 Code, § 2-208)

8-209. Issuance of permits. Permits shall be issued to owner of the business and shall be displayed in a visible area of the business. Transfer of the permit from one owner to another is prohibited. A permit holder is required to return the permit within 15 days of the termination of the business, change in ownership, relocation, or change of business name. (Ord. #85, Nov. 1993)

8-210. Interference with public health, safety, and morals prohibited. The sale of beer shall not be permitted at any location unless it is more than 500 feet from a public school or church, the distance to be measured in a straight line from the nearest corner of the building where beer is to be sold to the nearest corner of the church or school. The applicant for a beer permit shall submit with his application a measurement made by a licensed surveyor and the distance certified as being correct. The work of the surveyor shall be checked and verified by the building inspector.

A church as referred to herein shall be a place where church is held at least once a month and the premises occupied for church purposes only. Provided, however, that where a church or school has been built or established within 500 feet of an existing establishment where beer is legally sold, such church or school building shall not be considered in prohibiting the sale of beer within 500 feet of same as set out above.

A school as referred to herein shall be a school operated by the public school system of Dickson County. A church or school shall be limited to structures within the corporate limits of the Town of Burns. (1980 Code, § 2-210)

8-211. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1980 Code, § 2-211)

8-212. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(2) Employ any minor under twenty-one (21) years of age in the sale, storage, distribution, or manufacture of beer except as permitted by Tennessee Code Annotated, § 57-5-301(e)(1).

(3) No beer shall be sold for on-premises consumption between the hours of 3:00 A.M. and 8:00 A.M., Monday through Saturday. No beer shall be sold for on-premises consumption between the hours of 3:00 A.M. and 12:00 (Noon) on Sunday. Beer sold for off-premises consumption is permitted at all times during the week, except between the hours of 3:00 A.M. and 12:00 (Noon) on Sunday.

(4) Make or allow any sale of beer to a minor under twenty-one (21) years of age.

(5) Allow any minor to loiter in or about his place of business.

(6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(7) Allow drunk or disreputable persons to loiter about his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(9) Allow dancing, live entertainment, or any musical performance on the premises, unless specifically permitted in his permit.

(10) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

(11) Fail to provide and maintain separate sanitary toilet facilities for men and women where beer is being sold for on premises consumption.

(12) Allow anyone under the age of twenty-one (21) in his/her place of business where beer is being sold for on premises consumption. (1980 Code, § 2-212, modified, as amended by Ord. #99, Feb. 1996)

8-213. Revocation or suspending of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board.

The beer board may offer as an alternative to revocation or suspension of a beer permit a civil penalty of up to \$1,500.00 for each offense of making sales to minors or a civil penalty of up to \$1,000.00 for other offenses. If the civil penalty is offered as an alternative, the permit holder has seven (7) days to pay before the revocation or suspension is imposed. The beer board may not revoke, suspend, or deny a permit to a beer business on the basis of its

proximity to a church, school, or other place of public gathering if a valid permit has been issued to the business as of January 1, 1993. If beer is not sold for six continuous months, this protection does not apply. (Ord. #85, Nov. 1993)

8-214. Applicant to present recorder with sales tax documentation. Before issuing a beer permit approved by the board of commissioners the recorder shall receive from the applicant for such permit such documentation issued by the State of Tennessee Department of Revenue demonstrating that the applicant is duly registered for the sales tax.

In the event the applicant fails or refuses to present the recorder with the above documentation, the recorder shall not issue the permit even though it has been approved by the board of commissioners. (1980 Code, § 2-214)

CHAPTER 3

PACKAGED LIQUOR

SECTION

- 8-301. Alcoholic beverages subject to regulation.
- 8-302. Application for certificate of good moral character.
- 8-303. Applicant to agree to comply with laws.
- 8-304. Applicant to appear before the mayor and board of commissioners and duty to give information.
- 8-305. Action on application.
- 8-306. Residency requirement.
- 8-307. Applicants for certificate who have criminal record.
- 8-308. Only one establishment to be operated by retailer.
- 8-309. Where establishments may be located.
- 8-310. Retail stores to be on ground floor; entrances.
- 8-311. Limitation on number of retailers.
- 8-312. Sales for consumption on premises.
- 8-313. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-314. Inspection fee.
- 8-315. Violations.

8-301. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #126, Aug. 1999)

8-302. Application for certificate of good moral character. No license shall be issued to a public employee, national, state, county or city, or holder of public office whether elected or appointed. Before any character certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any commissioner, an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years residence in the city.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (5) If employed, the name and address of employer.

- (6) If in business, the kind of business and location thereof.
- (7) The location of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the store.
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

Each occupant shall be accompanied by a non-refundable investigation fee of two hundred fifty dollars (\$250.00). [Tennessee Code Annotated, § 57-3-208, 57-3-210, 57-3-213] (as added by Ord. #126, Aug. 1999)

8-303. Applicant to agree to comply with laws. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #126, Aug. 1999)

8-304. Applicant to appear before the mayor and board of commissioners and duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the board of mayor and commissioners within thirty (30) days of the date each application was filed.

The board of mayor and commissioners may issue a certificate of good moral character to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and commissioners. (as added by Ord. #126, Aug. 1999)

8-305. Action on application. Every application for a certificate of good moral character shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the board of mayor and commissioners within thirty (30) days of the date each application was filed.

The board of mayor and commissioners may issue a certificate of good moral to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and commissioners. (as added by Ord. #126, Aug. 1999)

8-306. Residency requirement. The applicant for a certificate of good moral character shall have been a bona fide resident of the State of Tennessee for not less than two (2) years at the time his application is filed. If the

applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of the State of Tennessee not less than two (2) years at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years. (as added by Ord. #126, Aug. 1999)

8-307. Applicants for certificate who have criminal record. No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of good moral character, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #126, Aug. 1999)

8-308. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly" as used in this section shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #126, Aug. 1999)

8-309. Where establishment may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose, but in no event shall any establishment be located within five hundred (500) feet of a school or church measured in a straight line between the nearest point on the property line upon which sits the building from which the alcoholic beverages will be sold, stored or distributed, and the nearest point on the property line of the school or church. Provided further that only schools or churches within the corporate limits of the town shall be considered in applying this restriction. (as added by Ord. #126, Aug. 1999)

8-310. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #126, Aug. 1999)

8-311. Limitation on number of retailers. No more than three (3) retail licenses for the sale of alcoholic beverages shall be issued initially under this chapter. Thereafter, one permit shall be allowed for each 500 of the population of the Town of Burns as provided by census records or other official government records of population. (as added by Ord. #126, Aug. 1999)

8-312. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption on the premises of the seller. (as added by Ord. #126, Aug. 1999)

8-313. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #126, Aug. 1999)

8-314. Inspection fee. The city hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (as added by Ord. #126, Aug. 1999)

8-315. Violations. Any violation of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine under the general penalty clause of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal. (as added by Ord. #126, Aug. 1999)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. CABLE TELEVISION.
7. ADULT ORIENTED BUSINESSES.
8. YARD SALES.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1980 Code, § 5-101)

¹Municipal code references

Building, plumbing, wiring and housing regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1980 Code, § 5-201)

9-202. Exemptions. The terms 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 in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1980 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (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.

¹Municipal code reference
Privilege taxes: title 5.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(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.

(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 properly to evaluate the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance and, if so, the nature of the offense and the punishment or penalty assessed therefor.

(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.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1980 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The recorder shall keep a permanent record of all permits issued. (1980 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the recorder in the denial of a permit shall have the right to appeal to the board of commissioners. Such appeal shall be taken by filing with the chairman within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The chairman shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or 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. (1980 Code, § 5-205)

9-206. Bond. Every permittee shall file with the recorder a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the Town of Burns and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town 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 town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1980 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his 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 town 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. (1980 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1980 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1980 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1980 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of commissioners, after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for 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 shall be given by the recorder 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 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 chairman may suspend a permit pending the revocation hearing. (1980 Code, § 5-211)

9-212. Reapplication. 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. (1980 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire one year from the date of issuance and shall be renewed without cost if the permittee applies for and obtains a new permit within thirty (30) days thereafter. 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. (1980 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Roadblocks prohibited.
- 9-304. Form and exhibition of permit.
- 9-305. Badges, signs, etc.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose within the Town of Burns without a permit from the board of commissioners authorizing such solicitations. Provided, however, that this chapter shall not apply to any organization or church operated exclusively for charitable or religious or other non-profit purposes if the solicitations by them are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular meetings or assemblies of any such established organization or church. (1980 Code, § 5-301)

9-302. Prerequisites for a permit. No such solicitation permit shall be issued unless the following prerequisites are met:

(1) The applicant for the permit must be shown to have a good character and reputation for honesty and integrity, or, if the applicant is not an individual person, every member, managing officer, or agent of the applicant to be involved in the solicitation must have a good character or reputation for honesty and integrity. The foregoing requirements shall be deemed not to have been met if it shall appear that any of the persons involved in the solicitation has ever been convicted or found guilty of a criminal offense as provided by the laws of the State of Tennessee or of any other state.

(2) The solicitation must be under the direct control and supervision of named persons who shall appear before the board of commissioners for the purpose of applying for the permit.

(3) The applicant has not engaged in any fraudulent transaction or enterprise or any activity giving the board of commissioners a reasonable basis to believe that denial of the permit is required to protect the citizens of the town from fraudulent solicitations.

(4) The solicitation shall be for a bona fide charitable or religious purpose with no remuneration or profit to the applicant, if an individual, or to any member, managing officer, or agent of the applicant if the applicant is not an individual person. The purpose of this provision is to prevent anyone from earning personal profit or remuneration from solicitation under the guise of

soliciting for charitable or religious purposes, thereby defrauding any citizens of the Town of Burns.

(5) All applications for permits shall specify the nature and extent of the solicitation intended as to dates, times, and places, with particular reference to whether or not the solicitation is to be done door-to-door or by "road block." (1980 Code, § 5-302)

9-303. Roadblocks prohibited. It shall be unlawful for charitable organizations to solicit contributions at roadblocks within the Town of Burns. (1980 Code, § 5-303)

9-304. Form and exhibition of permit. The permit referred to above shall be in such form as the board of commissioners might adopt by resolution, and any solicitor or persons required by this chapter to have a permit shall exhibit such permit at the request of any law enforcement officer, official of the Town of Burns, or person solicited. (1980 Code, § 5-304)

9-305. Badges, signs, etc. All persons engaging in charitable or religious solicitations as referred to in this chapter shall at all times during the solicitation, display by badge, sign, or other device readily read and/or understood by persons being solicited, identification of the nature and purpose of the solicitation, including the name of the organization, if any, in charge of the solicitation and the name of the individual doing the solicitation. (1980 Code, § 5-305)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab franchise required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability or bond insurance required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.

9-401. Taxicab franchise required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the town. (1980 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of commissioners; and make a recommendation to either grant or refuse a franchise to the applicant. The

¹Municipal code reference
Privilege taxes: title 5.

board of commissioners shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board of commissioners shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1980 Code, § 5-402)

9-403. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the town. (1980 Code, § 5-403)

9-404. Revocation or suspension of franchise. The board of commissioners, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1980 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the town unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1980 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the town shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1980 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1980 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1980 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the town who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1980 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The board of commissioners, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1980 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the town for the purpose of obtaining patronage for their cabs. (1980 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the town for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1980 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1980 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1980 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to blow the automobile horn unnecessarily; or to otherwise disturb unreasonably the peace, quiet and tranquility of the town in any way. (1980 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1980 Code, § 5-416)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

9-503. Minors to be kept out; exception.

9-501. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1980 Code, § 5-501)

9-502. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1980 Code, § 5-502)

9-503. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living. If the father is dead, then the written consent of the mother, guardian, or other person having legal control of such minor must be obtained. If the minor is in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school. This section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1980 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the Town of Burns and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the Town of Burns and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #41; Ord. #116 (May 1998); Ord. #125 (Aug. 1999); and Ord. #137, (Jan. 2000) in the office of the city recorder.

CHAPTER 7

ADULT ORIENTED BUSINESSES

SECTION

9-701. Definitions.

9-702. Location restrictions.

9-701. Definitions. Definition of terms used in this chapter is as specified in Tennessee Code Annotated, § 7-51-1401:

(1) "Adult" means a person who has attained eighteen (18) years of age;

(2) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;

(3) "Adult entertainment" means any exhibition of any adult oriented motion picture, live performance, display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities, including removal of articles of clothing or appearing unclothed;

(4) "Adult-oriented establishment" means any commercial establishment, business or service, or portion thereof, which offers, as its principal or predominant stock or trade, sexually oriented material, devices, or paraphernalia or specific sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults "adult-oriented establishment" includes but is not limited to:

(a) "Adult book stores," which means any corporation, partnership or business of any kind which has as its principal or predominant stock or trade, books, magazines or other periodicals and which offers, sells, provides or rents for a fee:

(i) Any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or

(ii) Any sexually-oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or

(iii) Any sexually oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age;

(b) "Adult motion picture theatres," which means an enclosed building used for presenting film presentations which are distinguished or characterized by an emphasis on matter depicting, describing or

relating to specified sexual activities for observation by patrons therein; and

(c) "Adult shows" or "adult peep shows," which includes all adult shows, exhibitions, performances or presentations which contain acts or depictions of specified sexual activities;

(5) "Bestiality" means sexual activity, actual or simulated, between a human being and an animal;

(6) "Masochism" means sexual gratification achieved by a person through, or the association of sexual activity with, submission or subjection to physical pain, suffering, humiliation, torture or death;

(7) "Person" means an individual, partnership, firm, corporation or association;

(8) "Sadism" means sexual gratification achieved through, or the association of sexual activity with, the infliction of physical pain, humiliation, torture or death upon another person or animal;

(9) "Specified sexual activities" means activities, services or performances that include the following sexual activities and/or the exhibition of the following anatomical areas:

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or any excretory function, or representation thereof; or

(c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts; and

(10) "Sexually oriented material" means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits human male genitals in a discernibly turgid state, even if completely covered. (as added by Ord. #136, Nov. 2000)

9-702. Location restrictions. Adult oriented businesses shall be permitted in any commercial district provided that the adult oriented business may not be operated within:

(1) 1,000 feet measured from property line to property line, of a school or educational or school related facility, church or religious or church related or church operated facility, public or other recreation facility, or a not for profit educational or scientific facility, or a cemetery, or a licensed day care facility, or a day-care drop off facility recognized by the State of Tennessee.

(2) 1,000 feet measured from property line to property line, or a boundary of a residential zone;

(3) 1,000 feet measured from property line to property line, of another adult-oriented business establishment. (as added by Ord. #136, Nov. 2000)

CHAPTER 8

YARD SALES

SECTION

- 9-801. Definitions.
- 9-802. Property permitted to be sold.
- 9-803. Permitted number of yard sales per year.
- 9-804. Hours of operation.
- 9-805. Display of sale property.
- 9-806. Permit required.
- 9-807. Advertising, signs.
- 9-808. Public nuisance.
- 9-809. Inspection, arrest authority of inspector.
- 9-810. Parking.
- 9-811. Persons exempt from this chapter.
- 9-812. Severability.
- 9-813. Penalty.

9-801. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

(1) "Yard sale" shall mean and include all general sales, open to the public, conducted from or on a residential premise in any zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "auction," "backyard," "patio," "flea market," or "rummage" sale. This definition shall not include a situation where no more than two (2) specific items are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as added by Ord. #165, Dec. 2005)

9-802. Property permitted to be sold. It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property. (as added by Ord. #165, Dec. 2005)

9-803. Permitted number of sales per year. It shall be unlawful for any residents and/or family household to conduct more than four (4) yard sales, with a minimum of fourteen (14) days between each, during any one (1) calendar year. If members of more than one(1) residence and/or family household join in

the operation of a sale, it shall be considered as a sale for each and all such residences and/or family households. (as added by Ord. #165, Dec. 2005)

9-804. Hours of operation. Such sales shall be limited in time to no more than the daylight hours of three (3) consecutive days. (as added by Ord. #165, Dec. 2005)

9-805. Display of sale property. Personal property offered for sale may be displayed within the residence, porch, in a garage, carport, and/or in any yard, but shall not be permitted within the public right-of-way. (as added by Ord. #165, Dec. 2005)

9-806. Permit required. A numbered permit will be issued in the individual's name applying for the permit. The numbered permit shall apply to that individual and to a specific location. No individual shall be awarded more than four (4) permits per calendar year and no location shall hold more than four (4) sales per calendar year. (as added by Ord. #165, Dec. 2005)

9-807. Advertising, signs etc. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending yard sale:

(a) Two (2) signs permitted. Two (2) signs of not more than four (4) square feet each shall be permitted to be displayed on the property of the residence where the yard sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises upon which the yard sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners upon whose property such signs are to be placed.

(c) Permit number assigned must be displayed on the back of signs.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than twelve (12) hours prior to the commencement of such a sale.

(3) Removal of signs. Signs must be removed immediately upon the conclusion of the sale. (as added by Ord. #165, Dec. 2005)

9-808. Public nuisance. Individuals conducting a yard sale and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the Town of Burns in order to maintain the public health, safety and welfare. (as added by Ord. #165, Dec. 2005)

9-809. Inspection, authority of inspector. The zoning officer, a police officer or any other official designated by the zoning officer, shall have the right of entry upon any premises showing evidence of a yard sale, for the purpose of enforcement of this chapter and shall have the right to issue citations for violations of this chapter. (as added by Ord. #165, Dec. 2005)

9-810. Parking. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any yard sale. (as added by Ord. #165, Dec. 2005)

9-811. Persons exempted from this chapter. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order or process of court of competent jurisdiction.

(2) Persons acting in accordance with their powers or duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment, firm or at a place of business wherein such sale would be permitted by the zoning regulations of the Town of Burns or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor, and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

(4) Persons acting in accordance with their responsibilities as court-appointed decedents' personal representatives.

(5) Any bona fide charitable eleemosynary, educational, cultural or governmental institution, or organizations when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis. (as added by Ord. #165, Dec. 2005)

9-812. Severability. If any court of competent jurisdiction declares any provision to be unconstitutional or invalid, that decision shall only affect the provision so declared. The declaration shall not affect any other portion of this chapter as a whole. (as added by Ord. #165, Dec. 2005)

9-813. Penalty. Any person who violates any provision of this chapter shall be subject to the following penalties:

(1) A fine of fifty dollars (\$50.00) per violation.

(2) Each day in violation is considered a separate offense. (as added by Ord. #165, Dec. 2005)

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

1. IN GENERAL.
2. DOGS.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1980 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1980 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1980 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water,

shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1980 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1980 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1980 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of commissioners. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of commissioners.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of commissioners, to cover the costs of impoundment and maintenance. (1980 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1980 Code, § 3-108)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1980 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1980 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1980 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1980 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1980 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1980 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of commissioners. If said dog is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of commissioners, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1980 Code, § 3-207)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container or bottle of beer or intoxicating liquor while riding in or on any motor vehicle or in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1980 Code, § 10-229)

¹Municipal code references

- Animals and fowls: title 10.
- Housing and utilities: title 12.
- Fireworks and explosives: title 7.
- Traffic offenses: title 15.
- Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

- See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

11-102. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1980 Code, § 10-222, modified)

CHAPTER 2**FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1980 Code, § 10-234)

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1980 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET**SECTION**

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1980 Code, § 10-202)

11-402. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) **Miscellaneous prohibited noises enumerated.** The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) **Blowing horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) **Radios, phonographs, etc.** The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) **Yelling, shouting, etc.** Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the

quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

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

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

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1980 Code, § 10-233)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-501. Escape from custody or confinement.
- 11-502. Impersonating a government officer or employee.
- 11-503. False emergency alarms.
- 11-504. Resisting or interfering with city personnel.
- 11-505. Coercing people not to work.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1980 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1980 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1980 Code, § 10-217)

11-504. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the town while such officer or employee is performing or attempting to perform his municipal duties. (1980 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1980 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1980 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1980 Code, § 10-214)

11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the town. (1980 Code, § 10-212)

CHAPTER 7

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC**

SECTION

- 11-701. Trespassing.
- 11-702. Trespassing on trains.
- 11-703. Malicious mischief.
- 11-704. Interference with traffic.

11-701. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1980 Code, § 10-226)

11-702. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1980 Code, § 10-221)

11-703. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1980 Code, § 10-225)

11-704. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1980 Code, § 10-232)

CHAPTER 8**MISCELLANEOUS****SECTION**

11-801. Abandoned refrigerators, etc.

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-805. Wearing masks.

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1980 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1980 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1980 Code, § 10-227)

11-804. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1980 Code, § 10-224)

11-805. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of ten (10) years.

(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1980 Code, § 10-235)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.
7. RESIDENTIAL CODE.
8. MECHANICAL CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. International Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.
- 12-105. Fees.

12-101. International building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to like and property from fire and other hazards attributed to the built environment, the International Building Code,² 2003 edition, as prepared and adopted by the International Building Council is hereby adopted and incorporated by reference as a part of this code, and is

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

hereinafter referred to as the International Building Code. (1980 Code, § 4-101, as replaced by Ord. #162, Nov. 2005)

12-102. Modifications. (1) Definitions. Whenever in the International Building Code when reference is made to the duties of a certain official named therein, that designated official of the Town of Burns who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Building Code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows:

(a) Square footage times ninety dollars (\$90.00) per square foot for living/heated space. This is estimated cost of construction.

(b) Fee is fifteen dollars (\$15.00) for the first thousand and five dollars (\$5.00) for each thousand thereafter.

(c) Unheated non living space is figured at forty five dollars (\$45.00) per square foot. (1980 Code, § 4-102, as replaced by Ord. #162, Nov. 2005)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Building Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-103, as replaced by Ord. #162, Nov. 2005)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (1980 Code, § 4-104, as replaced by Ord. #162, Nov. 2005)

12-105. Fees. The cost per square foot for new homes and additions to existing building shall be based upon a seventy dollar (\$70.00) per square foot estimate. The cost per square foot shall be multiplied by the square foot of the new home or addition. Commercial buildings, basements, garages, and porches shall be based on nine dollar (\$9.00) per square foot estimate. The building permit fee will be fifteen dollars (\$15.00) for the first one thousand dollars (\$1,000.00) and five dollars (\$5.00) for each additional one thousand dollars (\$1,000.00) thereafter. (as added by Ord. #15-7, Feb. 2005)

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. International Plumbing Code adopted.

12-202. Modifications.

12-203. [Repealed.]

12-204. [Repealed.]

12-201. International Plumbing Code adopted. A certain document, two (2) copies of which are on file in the office of the recorder of the Town of Burns, Tennessee, being marked and designated as the International Plumbing Code, 2003 edition, as published by the International Code Council,² be and is hereby adopted as the Plumbing Code of the Town of Burns, Tennessee, regulating and governing the design construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the recorder, Town of Burns, Tennessee, hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-202 of this chapter. (1980 Code, § 4-201, as replaced by Ord. #175, Nov. 2006)

12-202. Modifications. The following sections are hereby revised:

Section 101.1 Insert: The Town of Burns, Tennessee.

Section 106.6.2 Insert: As adopted by the board of commissioners.

Section 106.6.3 Insert: As adopted by the board of commissioners.

Section 108.4 Insert: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense, punishable by

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

a fine of not more than fifty dollars (\$50.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Insert: Shall be subject to a fine of fifty dollars (\$50.00).

Section 305.6.1 Insert: 30".

Section 904.1 Insert: As adopted by the board of commissioners. (1980 Code, § 4-202, as replaced by Ord. #175, Nov. 2006)

12-203. [Repealed.] (1980 Code, § 4-203, as repealed by Ord. #175, Nov. 2006)

12-204. [Repealed.] (1980 Code, § 4-204, as repealed by Ord. #175, Nov. 2006)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
12-302. Available in recorder's office.
12-303. Permit required for doing electrical work.
12-304. Violations.
12-305. Enforcement.
12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 1996 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1980 Code, § 4-301, modified)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within the Town of Burns until a permit therefor has been issued by the town. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1980 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1980 Code, § 4-304)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

12-305. Enforcement. The electrical inspector shall be such person as the board of commissioners shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1980 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1980 Code, § 4-306)

CHAPTER 4

GAS CODE¹

SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the Town of Burns. The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the municipal board of commissioners.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1980 Code, § 4-401)

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances

¹Municipal code reference

Gas system administration: title 19, chapter 2.

installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,¹ 1994 edition, with 1996 revisions, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1980 Code, § 4-402, modified)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1980 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1980 Code, § 4-404)

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of commissioners. (1980 Code, § 4-405)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1980 Code, § 4-406)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1980 Code, § 4-407)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1980 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1980 Code, § 4-409)

12-410. Fees. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspections) shall be \$1.50 for one to four outlets, inclusive, and \$0.50 for each outlet above four.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1980 Code, § 4-410)

12-411. Violations and penalties. Section 107 of the gas code is hereby deleted. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1980 Code, § 4-411)

12-412. Nonliability. This chapter shall not be construed as imposing upon the town any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation

thereof, nor shall the town, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1980 Code, § 4-412)

CHAPTER 5

HOUSING CODE

SECTION

12-501. Housing code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations.

12-501. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,¹ 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1980 Code, § 4-501, modified)

12-502. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the board of commissioners to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the town attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of commissioners. Section 108 of the housing code is deleted. (1980 Code, § 4-502)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1980 Code, § 4-503, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1980 Code, § 4-504)

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 6

MODEL ENERGY CODE¹

SECTION

- 12-601. Model energy code adopted.
 12-602. Modifications.
 12-603. Available in recorder's office.
 12-604. Violations and penalty.

12-601. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code² 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-602. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Burns. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the energy code.

12-603. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

¹State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

²Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-604. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 7

RESIDENTIAL CODE

SECTION

12-701. International Residential Code adopted.

12-702. Modifications.

12-703. Available in recorder's office.

12-704. Violations and penalty.

12-701. International Residential Code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Residential Code,¹ 2003 edition, as prepared and adopted by the International Building Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Residential Code. (as added by Ord. #163, Nov. 2005)

12-702. Modifications. (1) Definitions. Whenever in the International Residential Code when reference is made to the duties of a certain official named therein, that designated official of the Town of Burns who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Residential Code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows:

(a) Square footage times ninety dollars (\$90.00) per square foot for living/heated space. This is estimated cost of construction.

(b) Fee is fifteen dollars (\$15.00) for the first thousand and five dollars (\$5.00) for each thousand thereafter.

(c) Unheated/non living space is figured at forty five dollars (\$45.00) per square foot. (as added by Ord. #163, Nov. 2005)

12-703. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Residential Code has been placed on file in the recorder's office and shall be kept

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

there for the use and inspection of the public. (as added by Ord. #163, Nov. 2005)

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the International Residential Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #163, Nov. 2005)

CHAPTER 8

MECHANICAL CODE

SECTION

12-801. International Mechanical Code adopted.

12-802. Modifications.

12-801. International Mechanical Code adopted. A certain document, two (2) copies of which are on file in the office of the recorder of the Town of Burns, Tennessee, being marked and designated as the International Mechanical Code, 2003 edition, as published by the International Code Council,¹ be and is hereby adopted as the Mechanical Code of the Town of Burns, Tennessee, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code on file in the office of the recorder, Town of Burns, Tennessee, hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-802 of this chapter. (as added by Ord. #176, Nov. 2006)

12-802. Modifications. The following sections are hereby revised:

Section 101.1 Insert: The Town of Burns, Tennessee.

Section 106.5.2. Insert: As adopted by the board of commissioners.

Section 106.5.3. Insert: As adopted by the board of commissioners.

Section 108.4. Insert: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense, punishable by a fine of not more than fifty dollars (\$50.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Insert: Shall be subject to a fine of fifty dollars (\$50.00). (as added by Ord. #176, Nov. 2006)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds and plants, etc.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Junked motor vehicles.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1980 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1980 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1980 Code, § 8-106)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(11).

13-104. Weeds and plants, etc. (1) In order to suppress potential hazards to the health and safety of the residents of the town, every owner or tenant of real property within the corporate boundaries of the Town of Burns shall maintain his property in such condition that weeds, grass, brush and other such vegetation which is within a distance of two hundred (200) feet of any residence, commercial property, street, or public thoroughfare shall not exceed one (1) foot in height, provided that the presence of poison ivy, poison oak, or any other such noxious vegetation or plants are deemed a hazard to health and safety although such plants have not attained the height of one (1) foot.

(2) Every owner or tenant having trees on his property shall remove therefrom any dead trees or dead limbs.

(3) It shall be unlawful for any such owner to fail to comply with a written order of the codes enforcement officer or the chief of police to cut such vegetation, plants, or trees within fifteen (15) days from the date of notice, that are declared by this section to be dangerous or a hazard to health. Failure on the part of such owner or tenant to cut or remove the vegetation, plants or trees as ordained in this section shall provide the necessary authority for the town to conduct such removal with the total cost of such work being assessed against the owner of such property in addition to any fine that may be levied under the general penalty clause. (1980 Code, § 8-107)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1980 Code, § 8-108)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

Failure on the part of the owner or tenant to remove any such health or sanitation nuisance upon five (5) days notification by the codes enforcement officer or the chief of police shall provide the necessary authority for the town to conduct such removal with the total cost of such work being assessed against the owner of such property in addition to any fine that may be levied under the general penalty clause. (1980 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to

stationary structures and the proposed location conforms to the zoning provisions of the town and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1980 Code, § 8-104)

13-108. Junked motor vehicles. It shall be unlawful for any person to keep on his property or property controlled by him any junked motor vehicle. "Junked motor vehicle" for the purposes of this section shall mean any motor vehicle which is over five (5) years old and which is incapable of movement under its own power and which has been incapable of such movement for more than three (3) months. It shall be the duty of any owner or person in control of any property where a junked motor vehicle is being kept to remove such vehicle upon notification of the health officer or building inspector to do so. (1980 Code, § 8-112)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1980 Code, § 8-111)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 3

SLUM CLEARANCE

SECTION

- 13-301. Building inspector to exercise certain powers.
- 13-302. Complaints, notices, and hearings.
- 13-303. Authorized orders by building inspector.
- 13-304. Failure of owner to repair, alter, or vacate, etc.
- 13-305. Failure of owner to remove or demolish.
- 13-306. Town to have lien for repairing, demolishing, etc., by building inspector.

13-301. Building inspector to exercise certain powers. The Building Inspector for the Town of Burns, Tennessee is hereby appointed to exercise the powers prescribed by the ordinances. (1980 Code, § 8-501)

13-302. Complaints, notices, and hearings. When a petition is filed with the building inspector by a public authority or by at least five (5) residents of the municipality alleging that any structure is unfit for human occupation or use, or whenever it appears to the building inspector on his own motion that any structure is unfit for occupation or use, the building inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building inspector or his designated agent at a place therein fixed, not less than ten (10) days nor more than thirty days after the serving of the complaint.

The notice shall contain the following information:

- (1) That the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
- (2) That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector. (1980 Code, § 8-502)

13-303. Authorized orders by building inspector. If, after such notice and hearing, the building inspector determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

- (1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such

structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, requiring the owner, within the time specified in the order to remove or demolish such structure. (1980 Code, § 8-503)

13-304. Failure of owner to repair, alter, or vacate, etc. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (1980 Code, § 8-504)

13-305. Failure of owner to remove or demolish. If the owner fails to comply with an order to remove or demolish the structure, the building inspector may cause such structure to be removed or demolished. (1980 Code, § 8-505)

13-306. Town to have lien for repairing, demolishing, etc., by building inspector. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the building inspector shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the building inspector, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the building inspector, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. (1980 Code, § 8-506)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOME PARKS.
4. SIGNS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the governing body; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1980 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1980 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Burns shall be governed by Ordinance 66, titled "Zoning Ordinance, Burns, Tennessee," and any amendments thereto.¹

¹Ordinance #66, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

MOBILE HOME PARKS

SECTION

- 14-301. Definitions.
- 14-302. Permits.
- 14-303. Environmental, open space, and access requirements.
- 14-304. Service buildings and other community service facilities.
- 14-305. Refuse handling.
- 14-306. Insect and rodent control.
- 14-307. Fuel supply and storage.
- 14-308. Fire protection.
- 14-309. Miscellaneous requirements.
- 14-310. Conflict with building code.

14-301. Definitions. As used in this chapter the following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Driveway" means a minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.

(2) "Health authority" means the State Department of Health.

(3) "License" means a written license issued by the health authority allowing a person to operate and maintain a mobile home park under the provisions of this chapter and regulations issued hereunder.

(4) "Mobile home" means a manufactured transportable, single family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal, and electrical conveniences.

(5) "Mobile home lot" means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

(6) "Mobile home park" means a contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.

(7) "Mobile home stand" means that part of an individual lot which has been reserved for the placement of one mobile home unit.

(8) "Park management" means the person who owns or has charge, care, or control of the mobile home park.

(9) "Park street" means a private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

(10) "Permit" means a written permit or certification issued by the health authority (or the Town of Burns) permitting the construction, alteration,

and extension of a mobile home park under the provisions of this chapter and regulations issued hereunder.

(11) "Person" means any individual, firm, trust, partnership, public or private association, or corporation.

(12) "Service building" means a structure housing toilet, lavatory, and such other facilities as may be required by this chapter.

(13) "Sewer connection" means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

(14) "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

(15) "Water connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

(16) "Water riser pipe" means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot. (1980 Code, § 5-601)

14-302. Permits. (1) It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of Burns, Tennessee, unless he holds a valid permit issued by the health authority and a building permit issued by the Town of Burns in the name of such person for the specific construction, alteration, or extension proposed. The Town of Burns shall not furnish utilities to any mobile home park outside the corporate limits unless a valid permit is obtained for said mobile home park. Special parks (not meeting the minimum area requirements) outside the corporate limits accommodating a maximum of four units will be considered for approval if the other provisions of this chapter are met. Such parks must be removed or brought into full compliance with this chapter within three years after annexation of such property into the town.

(2) All applications for permits shall contain the following:

(a) Name and address of applicant.

(b) Location and legal description of the mobile home park.

(c) Complete engineering plans and specifications of the proposed park showing but not limited to the following:

(i) The area and dimensions of the tract of land;

(ii) The number, location, and size of all mobile home

lots;

(iii) The location and width of roadways and walkways;

(iv) The location of water and sewer line and riser pipes;

- (v) Plans and specifications of the water supply and refuse and sewage disposal facilities;
- (vi) Plans and specifications of all buildings constructed or to be constructed within the mobile home park;
- (vii) The location and details of lighting and electrical systems;
- (viii) Topography and drainage ways with contour lines at five foot intervals; and
- (ix) A location map showing the park site in relation to the existing public street pattern and indication of the uses of property adjacent to the site and the location of all buildings within two hundred feet of the site. (1980 Code, § 5-602)

14-303. Environmental, open space, and access requirements.

(1) General requirements. (a) Land area. The site shall comprise a single tract. The minimum area of the tract shall be three (3) acres, but the entire tract shall not be required to be developed at one time.

(b) Minimum width. Portions of the site used for general vehicular entrances and exits only 50 feet.

Portions of the site containing mobile home stands and buildings open generally to occupants 100 feet.

(c) Site condition. Conditions of soil, ground, water level, drainage, and topography shall not create hazards to property or to the health or safety of the court occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screening, or other solid material, or protected with vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(d) Location. The site shall abut a public street. No permanent residential structure shall be located within the site.

(e) External yards. In addition to yard and setback requirements applying generally in the zoning district, the following limitation shall apply to mobile home courts. Where a mobile home court adjoins the boundary of another zoning district, a yard of twenty-five (25) feet shall be provided.

(2) Design standards (a) Site planning--general. Site improvements shall be harmoniously and efficiently organized in relation to each other, to the shape of the tract, and to topography, with full regard to use and appearance. Site planning which conforms to terrain, existing trees, and other natural features is preferred.

(b) Roadways. (i) Design. Roadways shall be designed to provide convenient circulation and access to mobile home spaces and to facilities for common use by court occupants. Roadways shall recognize

existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems. Where feasible, all intersections shall be at right angles.

(ii) Right-of-way widths. The minimum required right-of-way widths for roadways in relation to pavement width shall be as follows:

<u>Pavement width</u>	<u>Right-of-way width</u>
12 feet	30 feet
18 feet	40 feet
24 feet	50 feet
27 feet	50 feet
30 feet	55 feet
34 feet	60 feet
36 feet	60 feet

Minimum right of way width for entrance streets 50 feet.

(iii) Grades. Grades on roadways shall not exceed ten (10) percent.

(c) Access to exterior streets. Entrances and exits to the court shall be designed for safe and convenient movement of traffic into and out of the court and to minimize marginal friction with free movement of traffic on adjacent streets. Access points shall be subject to the following limitations.

- (i) Width of access points. One-way access points, minimum width 15 feet.
maximum width 25 feet.
Two-way access points, minimum width 30 feet.
maximum width 40 feet.

(ii) Minimum distance between access points along street frontage. Minimum distance between access points shall be 200 feet.

(iii) Minimum distance between an access point and intersection. A point of access shall not be permitted within eighty (80) feet of the curb line (or street line when there is no curb) of any public street intersection.

(iv) Access points in relation to street frontage. On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(d) Mobile home spaces. Dimensions for trailer coach spaces are regulated by the Tennessee Department of Health.

(e) Automobile storage. Parking spaces shall be provided at the rate of at least one 10 x 20 foot car space for each mobile home space, plus

an additional car space for each two (2) mobile home spaces to provide for guest parking, two-car tenants, and for delivery.

(f) Required recreation areas. (i) In all parks accommodating or designed to accommodate 25 or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.

(ii) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet.

(iii) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

(3) Required improvements. (a) Roadways.

(i) Construction and maintenance. Roadways shall have an improved wearing surface constructed on a compact base. Surface and base shall meet either of the following specifications: Specifications for roadways shall be the same as the roadway specifications contained in subdivision regulations.

(ii) Pavement widths. Roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

Minor roadways

One-way, with no parking	12 feet.
One-way, with parking on one side only	18 feet.
One-way, with parking on both sides	24 feet.
Two-way, with no parking	24 feet.
Two-way, with parking on one side only	27 feet.
Two-way, with parking on both sides	36 feet.

Collector roadways

One or two-way, with no parking	27 feet.
One or two-way, with parking on one side only	30 feet.
One or two-way, with parking on both sides	36 feet.

Turn-around at end of dead end. Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter for dead-end roadways along which more than 12 spaces front per side.

(b) Walks. (i) General requirements. All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(ii) Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is

concentrated. Such common walks shall have a minimum width of three and one-half feet.

(iii) Individual walks. All mobile home stands shall be connected to common walks, to a paved street, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

(4) Mobile home stands. The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.

The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.

(5) Landscape treatment. Landscape treatment appropriate for use and location shall be required to the extent needed to provide a suitable setting for mobile homes and other facilities within the court. Screening is to be installed where necessary in relation to potentially undesirable views such as laundry yards, refuse collection points, and non-residential uses.

(6) Utilities. Water, sewer, and other utility systems shall be provided in accordance with "Regulations Governing Trailer Courts in Tennessee," Regulations 4 through 7.

Fences or free-standing walls shall be substantially constructed to withstand conditions of soil, weather, and use. Flora shall be hardy and planted so as to thrive with normal maintenance. (1980 Code, § 5-603)

14-304. Service buildings and other community service facilities.

(1) General. The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities such as:

- (a) Management offices, repair shops, and storage areas;
- (b) Sanitary facilities;
- (c) Laundry facilities;
- (d) Indoor recreation areas;
- (e) Commercial uses supplying essential goods or services for the exclusive use of park occupants.

(2) Required community sanitary facilities. Every park in which overnight stopping is permitted shall be provided with the following sanitary facilities: There shall be one flush toilet and one lavatory for each sex. The buildings containing such emergency sanitary facilities shall be accessible to all mobile homes.

(3) Structural requirements for buildings. (a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

- (b) All rooms containing sanitary or laundry facilities shall:
- (i) Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.
 - (ii) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10 percent of the floor area served by them.
 - (iii) Have devices which will adequately ventilate the room.

(c) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

- (d) Illumination levels shall be maintained as follows:
- (i) General seeing tasks - five footcandles;
 - (ii) Laundry room work area - 40 footcandles;
 - (iii) Toilet room, in front of mirrors - 40 footcandles.

(e) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.

(f) All structures, gas, plumbing, and electrical installations shall conform to the building code.

(4) Barbecue pits, fireplaces, stoves, and incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators, if used, shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. (1980 Code, § 5-604)

14-305. Refuse handling. The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to store all refuse properly and shall be provided by the tenant.

Refuse collection stands shall be provided by the park management for all refuse containers. Such container stands shall be so designed as to prevent

containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the health authority.

Refuse incinerators if provided shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the health authority or other authority having jurisdiction.

Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park. (1980 Code, § 5-605)

14-306. Insect and rodent control. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.

Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description. (1980 Code, § 5-606)

14-307. Fuel supply and storage. (1) Natural gas system.

(a) Natural gas piping systems, if natural gas is used, shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(b) Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(c) Systems shall have at least one accessible means for shutting off gas. Such means shall be maintained in effective operating condition.

(d) All LPG piping outside the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

(e) Liquified petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 2 or more than 200 U.S. gallons gross capacity.

(f) No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any structure, unless such installations are approved by the health authority.

(2) Fuel oil supply systems. (a) All fuel oil supply systems, if fuel oil is used, shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(b) All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.

(c) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.

(d) Storage tanks located in areas subject to traffic shall be protected against physical damage. (1980 Code, § 5-607)

14-308. Fire protection. Mobile home parks shall be kept free of litter, rubbish, and other flammable materials.

Portable fire extinguishers rated for classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 2.5 pounds.

Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.

Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements:

(1) The water supply system shall permit the operation of a minimum of two and one-half inch hose streams.

(2) Each of two nozzles held four feet above the ground shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.

Fire hydrants, if provided, shall be located within 500 feet of any mobile home, service building, or other structure in the park. (1980 Code, § 5-608)

14-309. Miscellaneous requirements. (1) Responsibilities of the park management. (a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

(b) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(c) The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

(d) The park management shall maintain a register containing the names of all park occupants, identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.

(e) The park management shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

(2) Responsibilities of park occupants. (a) The park occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities, and equipment in good repair and in a clean and sanitary condition.

(b) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

(c) Pets, if permitted in the park, shall be prohibited to run at large or to commit any nuisance within the limits of any mobile home lot.

(d) Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

(i) The storage area shall be provided with a base of impervious material.

(ii) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

(iii) The storage area shall be enclosed by skirting.

(iv) The park occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary, and safe manner. The garbage container shall be rodentproof, insectproof, and watertight.

(v) First aid fire extinguishers for class B and C fires shall be kept at the premises and maintained in working condition. (1980 Code, § 5-609)

14-310. Conflict with building code. In any case where a provision of this chapter conflicts with a provision in the building code adopted in title 12 of this code, the building code provision shall prevail. (1980 Code, § 5-610)

CHAPTER 4

SIGNS

SECTION

- 14-401. Intent and purpose.
- 14-402. Sign design and calculating sign area and height.
- 14-403. Premises and sign maintenance.
- 14-404. Non-conforming signs.
- 14-405. Visibility.
- 14-406. Signs prohibited in all zoning districts.
- 14-407. Signs allowed in all zoning districts.
- 14-408. Signs allowed in all non-residential districts.
- 14-409. Enforcement of the planning commission.
- 14-410. Severability.
- 14-411. Permits and fees.
- 14-412. Penalty.

14-401. Intent and purpose. (1) Regulating the location, size, placement, number and physical characteristics of signs is necessary so as to enable the public to locate good, services, and facilities and to receive a wide variety of other messages, commercial and noncommercial, without difficulty and confusion, to encourage the general attractiveness of the community, to enhance public safety, and to protect property values. Accordingly, this section establishes regulations governing the display of signs which will:

- (a) Promote and protect the public health, safety, comfort, morals and convenience;
 - (b) Enhance the economy and the business and industry of the town by promoting the reasonable, orderly, and effective display of signs and thereby encourage increased communications with the public;
 - (c) Restrict signs and lights which will increase the probability of traffic congestion and the accidents by distracting attention or obstructing vision;
 - (d) Reduce conflict among signs and light and between public and private information systems; and
 - (e) Promote signs that are compatible with their surroundings.
- (2) Because these regulations can only establish the physical, characteristics of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:
- (a) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign is strongly will have upon the character of the surrounding areas;
 - (b) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended

audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and

(c) The character of the sign structure, that is, the physical means of supporting the sign, and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.

(3) This chapter shall apply within all zoning districts.

(4) It is not the intent or purpose of this chapter to regulate the message displayed on any sign or the content. (as added by Ord. #164, Dec. 2005)

14-402. Sign design and calculating sign area and height.

(1) Attached letters and graphics. When separate letters or graphics are attached to, or painted on, a wall, then the sign area shall be determined by the smallest geometric shape that encloses all borders, graphics, and letters as a complete sign.

(2) Clearance from electrical lines. Signs shall maintain a minimum horizontal clearance of eight (8) feet in addition to the fall radius and a vertical clearance of at least eight (8) feet from electrical lines and in accordance with the provisions of the National Fire Codes, as revised.

(3) Double-faced signs. When two (2) signs of the same shape and dimensions are mounted or displayed back to back, or in a "V" shape, then all sign faces shall be included in calculating the aggregate sign area.

(4) Height for freestanding signs. The maximum permitted height for freestanding signs shall be measured from the average level of grade below the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Any berming, filling, or excavating solely for the purposes of locating the sign, shall be computed as part of the sign height.

(5) Sign area. Sign area shall include the total area of the sign, including the background, frame ornamentation, and copy area.

(6) Illumination. Excluding freestanding signs, sign illumination may be achieved via any means, with the provision that the requirements of § 14-404(10) shall be met.

(a) For freestanding signs, only external illumination is allowed. Illuminations shall be achieved via a white steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets and shall not be of sufficient brightness to cause glare, flash, or other nuisances to adjacent land uses.

(b) Exposed neon is prohibited for signs and shall not be incorporated into the design of a principal or accessory structure.

(c) All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs must be concealed from public view.

(7) Building materials for sign backgrounds, frames, supports and ornamentation. (a) Building materials from signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses.

(b) The various parts of signs shall be compatible in design quality. Signs shall not be in the shape of a sponsor name or motif (such as soda bottles, hamburgers, boot, etc.).

(c) The following materials are considered to be appropriate for sign backgrounds, frames, supports and ornamentation:

(i) Brick;

(ii) Natural stone, including panels. The use of natural materials is favored; however, the use of imitation stone is appropriate.

(iii) Stained split-face block;

(iv) Wood;

(v) Exterior insulation and finish systems (EIFS) (trade name DryVit), or similar material, in combination with brick, split-face block, or stone;

(vi) Metal panels, when used in combinations with brick, split-face block, or stone;

(vii) Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

(d) The following materials are prohibited for sign backgrounds, frames, supports and ornamentation:

(i) Exposed metal poles. For pole based signs, poles shall be enclosed by a masonry veneer.

(ii) Smooth-faced concrete blocks, whether painted or unpainted;

(iii) Metal panels, when used without brick, split-face block or stone;

(iv) Plastic, or other synthetic materials, when used without brick, split-face block, or stone. (as added by Ord. #164, Dec. 2005)

14-403. Premises and sign maintenance. (1) Premises maintenance. Signs, and the premises surrounding them, shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.

(2) Structure maintenance. Signs, together with their supports, braces, guys, and anchors, shall be kept in good, safe repair and shall be maintained in good and safe condition, including the periodic application of

paint or other weatherproofing materials to prevent rust or other decay. The planning commissioner may order the removal of a sign that is not maintained in accordance with the provisions of this chapter. The removal or expense incurred to assure compliance shall be at the expense of the owner of the sign or occupant or property owner where the sign is situated, or any one (1) or all of them, who shall be jointly and severally liable for the expense.

(3) Sign area and other maintenance. The sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking, or otherwise decayed condition and shall be repaired or removed within ninety (90) days of receipt of notice mailed to the owner by certified mail, return receipt requested, from the planning commission ordering the repair or removal. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within the time specified in the notice, then the sign may be removed or altered to comply by the planning commission.

(4) Maintenance of banners and flags. Banners and flags shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days of receipt of notice. (as added by Ord. #164, Dec. 2005)

14-404. Nonconforming signs. This section recognizes the eventual removal, as expeditiously and as fairly as possible, of nonconforming signs and is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this section that the removal of nonconforming signs shall be effected so as to avoid the unreasonable invasion of established property rights.

(1) Expansion or extension. A nonconforming sign shall not be enlarged, expanded, extended, or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity. This section shall not be construed to prohibit the changing of the copy area, provided that there is no increase in the copy area or height, or change in the sign area enclosing members, and provided that no portion of the sign is located within the right of way or under any electrical line.

(2) Removal, replacement, reconstruction, or relocation. No nonconforming sign shall be removed, replaced, reconstructed, or relocated in whole or in part to any other location on the same or any other lot unless the replaced, reconstructed, or relocated sign conforms to the provisions of this chapter.

(3) Damage or destruction. In the event that a nonconforming sign is destroyed or is allowed to become dilapidated to the extent of fifty (50) percent or more of the current cost to replace the sign, including labor and materials, the sign shall not be reconstructed or repaired, and the owner of the sign shall be required to remove the sign, regardless of other provisions contained in this chapter, unless the reconstructed or repaired sign conforms to the provisions of this chapter.

(4) Abandonment. Abandoning a sign shall terminate the right to maintain the sign, and the sign owner shall be required to remove the sign. A nonconforming sign shall be considered to be abandoned in the following situations, regardless of reservation of an intent not to abandon, or of an intent to reserve the right to use the sign:

(a) A sign displaying no message for a period of ninety (90) days;

(b) Signs on property where an activity, business product, or service which has not been produced, conducted, sold, or performed for a period of ninety (90) days on the premises where the sign is located.

(5) Notice to remove abandoned signs. If the planning commission finds that an abandoned sign has not been removed within ninety (90) days from the cessation of a particular use, then he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Removal of the sign shall be effected within thirty (30) days after receipt of the notice from the planning commission. If the sign is not removed after thirty (30) days, then the planning commission is hereby authorized to cause the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

(6) Notice to remove illegal signs. If the planning commission finds that a sign does not conform to the provisions of this chapter except for those legal signs which were lawfully in existence prior to December 5, 2005, then he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Removal of the sign shall be effected within ninety (90) days after receipt of the written notice. If the sign is not removed after the ninety (90) day period, the planning commission shall require the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

(7) Notice to remove unsafe signs. If the planning commission finds that a sign is unsafe or insecure, or is a menace to the public, then he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Correction of the condition which caused the notice shall be effected within ten (10) days after receipt of this notice. If the condition is not corrected after ten (10) days, then the planning commission is hereby authorized to cause the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located, whenever he determines that the sign is an immediate peril to persons or property.

(8) Signs placed in right-of-way. Signs illegally placed in the public right-of-way shall be forfeited to the public and shall be immediately confiscated by the planning commission.

(9) Change in use. Nonconforming signs shall be brought into compliance once a change of use of the premises occurs.

(10) Illuminated signs. Signs shall be allowed to be illuminated. However, no sign or device shall produce glare, flash or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public. All electrical wiring must be concealed and/or hidden underground.

(11) Electrical lights and fixtures. Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with Article 600 of the National Electrical Code.

(12) Illegal nonconforming signs. Under no circumstances shall a sign, deemed by the planning commission to be illegal at the time of the adoption of the ordinance comprising this chapter (December 5, 2005), be considered a legally nonconforming sign. (as added by Ord. #164, Dec. 2005)

14-405. Visibility. (1) Signs, including any means of supporting or staying the signs, shall not be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. Signs shall not be located so that they obscure the view of pedestrian or vehicular traffic in a manner so as to endanger safe movement.

(2) No person may, for the purpose of increasing or enhancing the visibility of signs, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located as follows:

(a) Within public right-of-way, unless the work is done pursuant to the express written authorization of the city or state, whichever is appropriate; or

(b) On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property where the trees or shrubs are located; or

(c) In any area where trees or shrubs are required to remain under a permit issued under this chapter. (as added by Ord. #164, Dec. 2005)

14-406. Signs prohibited in all zoning districts. (1) The following signs shall be prohibited and may neither be erected nor maintained:

(a) Banners, pennants and balloons, unless otherwise provided in this chapter;

(b) Bench signs;

(c) Flashing light or scrolling word signs;

(d) Freestanding canopy signs;

(e) Government imitation signs;

(f) Inflatable signs;

(g) Moving or animated signs;

(h) Noisy mechanical signs;

(i) Parked-vehicle signs;

- (j) Portable signs;
- (k) Projecting signs;
- (l) Roof signs, including signs painted on roofs, or that extend above the highest point on a roof;
- (m) Signs erected in a public right-of-way, except for those placed by or on behalf of the governmental entity;
- (n) Signs interfering or blocking the sight of directional, instructional, or warning signs;
- (o) Signs on natural features, such as trees or other living vegetation, and rocks;
- (p) Snipe signs defined as signs affixed to utility poles, fences, or trees and that area used for commercial purposes;
- (q) String lighting;
- (r) Trailer signs;
- (s) Trash receptacle signs;
- (t) Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court;
- (u) Any sign not specified in this section and that is not a lawful nonconforming sign. (as added by Ord. #164, Dec. 2005)

14-407. Signs allowed in all zoning districts. (1) Attached ballfield fence signs:

- (a) Signs shall face into the ballfield;
 - (b) No sign shall be higher than the top of the fence;
 - (c) The backs of the ballfield fence signs shall be the same color.
- (2) Freestanding development signs:
- (a) Maximum of two (2) per entrance;
 - (b) Maximum signs are of thirty two (32) square feet per side, with a total of sixty four (64) square feet;
 - (c) Maximum height shall be six (6) feet;
 - (d) Minimum setback shall be at the right-of-way line;
 - (e) Shall be constructed only of masonry or natural materials; except for attached letters or logo, and may include signs constructed within entrance walls;
 - (f) Either a pole base, or an encompassing finished masonry frame, shall be permitted. However, the base shall not exceed twenty-five (25) percent of the sign face area. In no case shall this percentage change the permitted sign face area.
- (3) Freestanding flags:
- (a) Maximum of three (3) per lot;
 - (b) Maximum sign area shall be one-fourth ($\frac{1}{4}$) the height of the pole;
 - (c) Maximum pole height shall be forty (40) feet, twenty (20) feet for rooftop poles;

- (d) Minimum setback shall be at the right-of-way line.
- (4) Temporary development-in-progress signs:
 - (a) Maximum of one (1) per contractor or supplier per entrance and one (1) per pod of development;
 - (b) Maximum sign area shall be thirty two (32) square feet per side, with a total of sixty four (64) square feet;
 - (c) Maximum height shall be six (6) feet;
 - (d) Minimum setback shall be at the right-of-way line;
 - (e) Nonresidential signs shall be removed after one (1) year.
 - (f) Residential signs shall be removed after eighty percent (80%) of the buildout, or three (3) years, whichever occurs first.
- (5) Temporary signs, if not otherwise regulated:
 - (a) Maximum sign area of six (6) square feet per side, with a total of twelve (12) square feet;
 - (b) Maximum height shall be six (6) feet;
 - (c) Minimum setback shall be at the right-of-way line.
- (6) Window signs:
 - (a) Window signs may not exceed ten (10) percent of the area of the window or any glass door to which they are attached.
- (7) Attached home occupation signs:
 - (a) Maximum of one (1) per lot per street;
 - (b) Maximum sign area shall be three (3) square feet;
 - (c) Maximum height shall be six (6) feet;
 - (d) May extend no more than one (1) foot from the building.
- (8) Scoreboards.
- (9) Wall signs:
 - (a) Maximum sign area shall be ten (10) percent of the building elevation at which they are installed;
 - (b) Shall be mounted in a flat fashion;
 - (c) Canopy and painted wall signs shall be deducted from the total allowable wall sign area. (as added by Ord. #164, Dec. 2005)

14-408. Signs allowed in all non residential districts. (1) Attached awning signs:

- (a) Maximum shall be one (1) per building side;
- (b) Maximum sign area shall be one (1) square foot per linear foot of building side;
- (c) Shall not project above or below the awning or roofline, with a maximum of sixteen (16) feet in height when located within two hundred (200) feet of a residential district;
- (d) May extend no more than ten (10) feet from the building.
- (2) Attached canopy signs:
 - (a) Maximum shall be one (1) per canopy face;
 - (b) Maximum sign area shall be twenty-five percent (25%) of the canopy face;

- (c) Shall not project above or below the canopy or roofline, with a maximum height of sixteen (16) square feet when located within one hundred (100) feet of a residential district.
- (3) Attached convenience signs:
 - (a) Maximum sign area of four and a half (4.5) square feet;
 - (b) Maximum height shall be six (6) feet;
 - (c) Minimum setback shall be the right-of-way line.
- (4) Attached hanging signs:
 - (a) Maximum shall be one (1) per building face per tenant;
 - (b) Maximum sign area shall be three (3) square feet, with an aggregate of six (6) square feet;
 - (c) Signs shall be a minimum of eight (8) feet off the ground, and the maximum height shall be at the roofline;
 - (d) May extend no more than four (4) feet from the building.
- (5) Attached signs, if not otherwise regulated:
 - (a) Maximum of one (1) sign per building side;
 - (b) Maximum sign area of one (1) square foot per linear foot of building side;
 - (c) Shall not project above or below canopy or roofline;
 - (d) Maximum height shall be sixteen (16) feet when located within two hundred (200) feet of a residential district;
 - (e) May extend no more than one (1) foot from building.
- (6) Freestanding convenience signs:
 - (a) Maximum of one (1) per entrance and one (1) per exit;
 - (b) Maximum sign area four and a half (4.5) square feet per side, with a total of nine (9) square feet;
 - (c) Maximum height shall be six (6) feet;
 - (d) Minimum setback shall be at the right-of-way line.
- (7) Freestanding signs, if not otherwise regulated:
 - (a) Maximum of one (1) sign per lot per street;
 - (b) Maximum sign areas of thirty two (32) square feet per side, with a total of sixty four (64) square feet;
 - (c) Maximum height shall be six (6) feet;
 - (d) Minimum setback shall be at the right-of-way line;
 - (e) Shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls;
 - (f) Either a pole base, or an encompassing finished masonry frame, shall be permitted. However, the base shall not exceed twenty-five (25) percent of the sign face area. In no case shall this percentage change the permitted sign face area.
- (8) Temporary signs:
 - (a) Maximum sign area of thirty-two (32) square feet per side, with a total of sixty four square feet;
 - (b) Maximum height shall be six (6) feet;

- (c) Minimum setback shall be at the right-of-way line;
- (d) Maximum two (2) signs per calendar year for no more than fifteen (15) days per permit period. (as added by Ord. #164, Dec. 2005)

14-409. Enforcement by the planning commission. The planning commission shall have the authority to enforce this chapter. (as added by Ord. #164, Dec. 2005)

14-410. Severability. (1) This chapter, and its various components, are hereby declared to be severable. If any section, clause, provision, or portion of this chapter is judged by a court of competent jurisdiction to be invalid or unconstitutional, then that decision shall not affect the validity of the remainder of this chapter. If any section, clause, provision, or portion of this chapter is judged by a court of competent jurisdiction to be invalid or unconstitutional as applied to a particular property, structure, or situation, then that decision shall not affect the validity of this chapter in application to other cases. Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this chapter, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

(2) Whenever regulations imposed by this chapter are less restrictive than regulations imposed by any other governmental authority through regulation, rule, or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. In cases of conflicts within this chapter, then the stricter regulation shall apply. (as added by Ord. #164, Dec. 2005)

14-411. Permit and fee. No sign herein addressed shall be erected without a permit issued by the Town of Burns.

Each sign permit fee shall be fifty dollars (\$50.00). (as added by Ord. #164, Dec. 2005)

14-412. Penalty. A violation of any provision of this chapter is punishable by a fine not to exceed fifty dollars (\$50.00). Each day of a violation is considered a separate, punishable offense. (as added by Ord. #164, Dec. 2005)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.

¹Municipal code reference

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

²State law references

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

- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.
- 15-122. Unauthorized vehicles on walking track.
- 15-123. Careless driving.
- 15-124. Crossing private property to avoid signal.
- 15-125. Spinning tires, laying drag, improper start.
- 15-126. Driving to fast for conditions.
- 15-127. Tractor trailer traffic prohibited on Columbia Road.
- 15-128. Tractor trailer trucks prohibited.
- 15-129. Compliance with financial responsibility law required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1980 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1980 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1980 Code, § 9-107)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1980 Code, § 9-108)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. (1980 Code, § 9-109)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1980 Code, § 9-110)

15-107. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1980 Code, § 9-111)

15-108. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1980 Code, § 9-112)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or

¹Municipal code references

Stop signs, yield signs, flashing signals, traffic control signals generally: §§ 15-505--15-508.

²This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1980 Code, § 9-113)

15-110. Presumption with respect to traffic-control signs, etc.

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1980 Code, § 9-114)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1980 Code, § 9-115)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1980 Code, § 9-116)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1980 Code, § 9-118)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1980 Code, § 9-119)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1980 Code, § 9-120)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed

or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1980 Code, § 9-121)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1980 Code, § 9-122)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1980 Code, § 9-123)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1980 Code, § 9-124)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise,

which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1980 Code, § 9-117)

15-121. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

No person under the age of sixteen (16) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1980 Code, § 9-127)

15-122. Unauthorized vehicles on walking track. No person shall operate or park a motor driven vehicle upon the walking track. Operators of motor driven vehicles shall yield to walkers at any area where vehicles are authorized to cross the walking track.

Bicycles and roller skates are authorized on the walking track as long as walkers are not present on the track.

Anyone violating the provisions of this section will be subject to a maximum fine of one hundred dollars (\$100.00) (Ord. #98, Nov. 1995)

15-123. Careless driving. Anyone who operates a motor vehicle in a careless or negligent manner, in willful disregard for the safety of persons or property shall be guilty of a misdemeanor. (as added by Ord. #119, Sept. 1998)

15-124. Crossing private property to avoid signal. Anyone who operates a motor vehicle crossing private property to avoid signal (traffic light, stop sign, etc.) shall be guilty of a misdemeanor. (as added by Ord. #119, Sept. 1998)

15-125. Spinning tires, laying drag, improper start. Anyone who operates a motor vehicle and spins tires, laying drag, or improper start, shall be guilty of a misdemeanor. (as added by Ord. #119, Sept. 1998)

15-126. Driving to fast for conditions. Anyone who operates a motor vehicle to fast for conditions (road, weather, traffic, road repairs, etc.) shall be guilty of a misdemeanor. (as added by Ord. #119, Sept. 1998)

15-127. Tractor trailer traffic prohibited on Columbia Road. It shall be unlawful for any person to operate or cause to be operated upon Old Columbia Road, in the limits of Burns any tractor trailer vehicle.

Anyone violating the provisions of this section shall be subject to a maximum fine of fifty dollars (\$50.00). (as added by Ord. #101, Sept. 1996)

15-128. Tractor trailer trucks prohibited. (1) No person shall drive any tractor trailer truck upon any street owned and maintained by the City of Burns. The provisions of this section shall not be deemed to prohibit the parking of a tractor trailer upon any street for the actual loading or unloading of goods, wares, or merchandise, provided, however, that "loading" and "unloading" as used in this section shall be limited to the actual time consumed in such operation. Also, this section shall not prohibit the temporary parking of said vehicle when reasonably necessitated by break-down or other emergency, provided the police department is promptly notified of the circumstances and provided said parking pursuant to this emergency provision shall not be permitted in excess of twelve (12) hours.

(2) It shall be presumed that the person or persons owning and/or operating any truck or trailer which is found parked, standing, or unoccupied within the city limits on or adjacent to a city street located within a residential zone that is not a part of the state or federal highway system, whether said vehicle be located upon private or public property, was the person or persons responsible for incurring the violation of this section, unless said person rebuts

said presumption and proves said vehicle was used without operating it over a city street located within a residential zone.

(3) Tractor trailer trucks may be driven on city streets from and to a person's residence, provided they are the owner/operator of vehicle and may be parked off the street at the residence, provided there is nothing left running that would cause a disturbance in the neighborhood. (as added by Ord. #110, March 1997)

15-129. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purpose of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1997, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1997, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of

compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #143, March 2002)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1980 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1980 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1980 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1980 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1980 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1980 Code, § 9-202)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1980 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the town. (1980 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1980 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1980 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1980 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1980 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1980 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1980 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1980 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1980 Code, § 9-403)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1980 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1980 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1980 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1980 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1980 Code, § 9-408)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1980 Code, § 9-409)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this town shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1980 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1980 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1980 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle on any portion of any street nor shall any person park:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.

- (3) Within an intersection.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Upon any bridge. (1980 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1980 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1980 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Deposit of license in lieu of bail.
- 15-707. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1980 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1980 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1980 Code, § 9-603)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof the vehicle is stored. (1980 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1980 Code, § 9-605)

15-706. Deposit of license in lieu of bail. Pursuant to Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic, except those ordinances the violation of which call for the mandatory revocation of a license for any period of time, said person shall have the option of depositing his chauffeur's or operator's license with the officer of court demanding bail in lieu of any other security required for his appearance in the town court in answer to any such charge before said court.

All town officers and employees shall comply fully with the requirements of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805 and any implementing orders of the Department of Safety, State of Tennessee. (1980 Code, § 9-606)

15-707. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. For parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his civil penalty shall be five dollars (\$5.00).

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1980 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1980 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1980 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1980 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of commissioners after a finding that no hazard will be created by such banner or sign. (1980 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1980 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1980 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1980 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1980 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first

¹Municipal code reference
Building code: title 12, chapter 1.

securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1980 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1980 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1980 Code, § 12-112)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1980 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1980 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State law reference

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

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1980 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1980 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1980 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1980 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others

that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1980 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1980 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1980 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1980 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width

at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend out into the street. (1980 Code, § 12-210)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Premises to be kept clean, etc.
- 17-102. Definitions.
- 17-103. Collection of garbage and refuse.
- 17-104. Disposal of garbage and refuse.
- 17-105. Dumping in streets, alleys, streams, sewers, and drains prohibited.
- 17-106. Premises to be kept clean.
- 17-107. Service of orders.
- 17-108. Penalties.

17-101. Premises to be kept clean, etc. All persons, firms, and corporations within the Town of Burns, Tennessee, are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. That such persons, firms, and corporations are hereby required to store such refuse in approved containers required by the health officer and to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (1980 Code, § 8-201)

17-102. Definitions. (1) "Solid waste. The term "solid waste" shall refer to garbage and refuse, and other discarded solid materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants, not to include liquid or other hazardous waste from industrial or commercial firms.

(2) "Refuse." The term "refuse" as hereinafter referred to in this regulation shall include garbage, rubbish, ashes, and all other putrescible and non-putrescible combustible and non-combusitble materials originating from the

¹Municipal code reference

Property maintenance regulations: title 13.

preparation, cooking and consumption of food, market refuse, waste from the handling and sale of produce and other similar unwanted materials, but shall not include sewage, body waste, or recognizable industrial by-products from all residences and establishments, public and private.

(3) "Garbage." The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetables and animal offal, but excluding recognizable industrial by-products from all public and private residences and establishments.

(4) "Rubbish." The term "rubbish" shall include all non-putrescible waste materials except ashes from all public and private residences and establishments.

(5) "Ashes." The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments, "not to include hot ashes."

(6) "Collector." The term "collector" shall mean any person, firm, corporation, or political subdivision that collects, transports, or disposes of any refuse for hire within the limits of the Town of Burns, Tennessee.

(7) "Health officer." The term "health officer" shall mean the health authority of the Town of Burns, Tennessee or its authorized representative.

(8) "Dumping ground." The term "dumping ground" shall mean any place or site where any refuse materials as described in this act are dumped, piled or otherwise accumulated.

(9) "Disposal site." The term "disposal site" shall mean any place or site where refuse materials are routinely disposed of by incineration, landfill, compost, or other acceptable disposal method.

(10) "Sanitary landfill." The term "sanitary landfill" shall refer to an area where there is a method of disposing of refuse on land without creating nuisances of hazard to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest volume, and cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

(a) Unloading at landfill. Collectors and haulers shall follow landfill supervisor's instructions in unloading at landfill.

(11) "Approved container" shall mean and include standard containers, special containers, and special waste receptacles.

(a) "Standard containers" shall mean and include a water-tight fitting cover, weight not over thirty-five (35) pounds empty weight, weight not over one hundred (100) pounds when filled, and not more than thirty-two (32) gallons capacity.

(b) "Special containers" shall mean and include a dumpster type container having a capacity of not over eight (8) cubic yards, be constructed so that the container can be handled by the equipment used for collection of water-tight construction where garbage is to be stored. The operators of establishments that generate garbage that will be

subject to decay and/or infestation by insects and rodents (restaurants, grocery stores) will inspect, clean, and disinfect (if indicated) such containers at least once a week. Complaints of unsanitary conditions of these containers will be investigated by the health department. Violations will be subject to penalties as prescribed by § 17-108 of these regulations.

(c) "Special waste receptacle" shall mean and include any other storage container approved by the health officer which does not violate any of the provisions of this regulation.

(12) "Scavenging." The term "scavenging" shall be defined as the searching for or removal of items from refuse containers, the proximity of containers, or refuse collection sites, for any purposes other than in an emergency situation. (1980 Code, § 8-202)

17-103. Collection of garbage and refuse. (1) Collection intervals. All refuse (including garbage and rubbish) as heretofore defined shall be collected at intervals of at least once in 7 days or at sufficient frequency to prevent the occurrence of nuisances and public health problems. The collection and disposal of refuse within the Town of Burns, Tennessee, shall be under the jurisdiction of the Dickson County Solid Waste Management Committee and the enforcement of these regulations within the Town of Burns, Tennessee, shall be the responsibility of the Burns Police Department.

(2) Permits. No person, firm or corporation shall engage in the business of collecting refuse or removing the contents of any refuse container (other than the owner of such containers) for any purpose whatsoever, who does not possess a permit to do so from the Burns Health Officer. Such permits may be issued only after the applicant's capability of complying with the requirements of this code has been fully determined. Each permit shall be numbered and the permit holder shall place such number in a conspicuous place on each vehicle operated in the business in a manner prescribed by the health officer. Such permits may be suspended or revoked upon the violation of any of the terms of the regulation. Permits are to be renewed between August 15 and August 31 of each year.

(3) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds.

(4) County collection system. Persons using the containers for disposition of refuse, garbage and rubbish shall place such refuse, garbage or rubbish inside the container. Refuse, garbage or rubbish placed on the ground at the container or on top of the container will be considered littering.

(5) Fires in containers prohibited. It will be a violation of these regulations to set fire to materials that are in the Dickson County Solid Waste Management System containers or to place materials in the containers which would cause a fire in the container.

(6) Collectors prohibited using containers. Collectors are prohibited from using the Dickson County Solid Waste Management System containers for disposition of refuse, garbage, rubbish, etc.

(7) Scavenging. No scavenging shall be allowed at any time. (1980 Code, § 8-203)

17-104. Disposal of garbage and refuse. The disposal of refuse in any quantity by any individual, householder, establishment, firm, corporation in any place, public or private, other than the site or sites designated by the constituted authority of the Town of Burns, Tennessee, is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health, and provided that such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal. Solid waste delivered to the sanitary landfill shall be thoroughly compacted and covered with not less than six inches of compacted earth at the end of each day's operation. Final covering shall be not less than two feet of compacted earth. Refuse shall not be disposed of by burning at the disposal site. No garbage shall be fed to swine unless said garbage has first been heated to at least 212 degrees F, and held there at least 30 minutes in apparatus and by methods approved by the Tennessee Department of Agriculture as set forth in Public Acts 1953, chapter 94. Provided further that animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer, or shall be rendered at 40 pst. steam pressure or higher, or similarly heated by equivalent cooking, or be disposed of in a closed plastic bag of sufficient strength to handle contents. (1980 Code, § 8-204)

17-105. Dumping in streets, alleys, streams, sewers, and drains prohibited. It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, drain, street or other places not authorized by the board of commissioners. (1980 Code, § 8-205)

17-106. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when prepared for disposal as provided in this chapter. (1980 Code, § 8-206)

17-107. Service of orders. It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenant

or lessees of such properties where violations of this regulation are known to exist and providing that such violations be corrected within the time specified by the health department. (1980 Code, § 8-207)

17-108. Penalties. Any person who shall violate any of the provisions of these regulations, who shall fail or refuse to obey any notice issued by the health officer pursuant thereto, shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$50.00 (fifty dollars) for each separate offense, and each day that such person violates any provision of these regulations shall constitute a separate offense. (1980 Code, § 8-208)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. WATER.

CHAPTER 1

SEWAGE AND HUMAN EXCRETA DISPOSAL²

SECTION

- 18-101. Definitions.
- 18-102. Places required to have sanitary disposal methods.
- 18-103. When a septic tank shall be used.
- 18-104. Registration and records of septic tank cleaners, etc.
- 18-105. Use of pit privy or other method of disposal.
- 18-106. Approval and permit required for septic tanks, privies, etc.
- 18-107. Owner to provide disposal facilities.
- 18-108. Occupant to maintain disposal facilities.
- 18-109. Only specified methods of disposal to be used.
- 18-110. Discharge into watercourses restricted.
- 18-111. Pollution of ground water prohibited.
- 18-112. Enforcement of chapter.
- 18-113. Carnivals, circuses, etc.
- 18-114. Violations.

18-101. Definitions. The following definitions shall apply in the interpretation of this chapter:

- (1) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.
- (2) "Human excreta." The bowel and kidney discharges of human beings.

¹Municipal code references

Building, utility and housing codes: title 12.
Refuse disposal: title 17.

²Municipal code reference

Plumbing code: title 12, chapter 2.

(3) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(4) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(5) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(6) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(7) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1980 Code, § 8-301)

18-102. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1980 Code, § 8-302)

18-103. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved

by the health officer and the installation shall be under the general supervision of the department of health. (1980 Code, § 8-303)

18-104. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1980 Code, § 8-304)

18-105. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1980 Code, § 8-305)

18-106. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1980 Code, § 8-306)

18-107. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner to provide such facilities. (1980 Code, § 8-307)

18-108. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1980 Code, § 8-308)

18-109. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1980 Code, § 8-309)

18-110. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1980 Code, § 8-310)

18-111. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1980 Code, § 8-311)

18-112. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1980 Code, § 8-312)

18-113. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1980 Code, § 8-313)

18-114. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1980 Code, § 8-314)

CHAPTER 2

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-201. Definitions.
- 18-202. Regulated.
- 18-203. Statement required.
- 18-204. Violations.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the town for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1980 Code, § 8-401)

18-202. Regulated. It shall be unlawful for any person to cause a cross connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of the public water supply. (1980 Code, § 8-402)

18-203. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks of the public water supply a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks of the public water supply. (1980 Code, § 8-404)

18-210. Violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the water works of the public water supply. In addition to, or in lieu of, any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the water works of the public water supply may discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1980 Code, § 8-410)

CHAPTER 3**WATER****SECTION**

18-301. To be furnished under franchise.

18-301. To be furnished under franchise. water shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.¹ The rights, powers, duties, and obligations of the municipality, its inhabitants and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹The agreements are of record in the office of the town recorder.

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY¹

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.² The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹Municipal code reference
Electrical code: title 12.

²The agreements are of record in the office of the city recorder.

CHAPTER 2**GAS**¹**SECTION**

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.²

¹Municipal code reference
Gas code: title 12.

²The agreements are of record in the office of the city recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. EMERGENCY ASSISTANCE POLICY.
2. DEPARTMENT OF PARKS AND RECREATION.

CHAPTER 1

EMERGENCY ASSISTANCE POLICY

SECTION

- 20-101. Policy and procedures.
- 20-102. Definitions.
- 20-103. Requesting assistance.
- 20-104. Responding to a request for emergency assistance.

20-101. Policy and procedures. The purpose of this document is to establish the policy and procedures that will govern the Town of Burns in the process of requesting emergency assistance of another local government or in responding to the request of another local government for emergency assistance.

The following sections establish the guidelines under which decisions and their extent of implementation will be made regarding emergency assistance. (1980 Code, § 1-801)

20-102. Definitions. (1) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 shall mean fire fighting assistance, law enforcement assistance, requested by a local government in an emergency situation in which the resources of the requesting local government are not adequate to handle the emergency.

(2) "Local government" shall mean any incorporated city or town, any county, metropolitan government, county, utility district, metropolitan airport authority, or other regional district or authority.

(3) "Requesting party" means a local government which requests emergency assistance.

(4) "Responding party" means a local government which responds to a request for emergency assistance.

(5) "Appropriate senior officer" shall mean the police chief or the fire chief or their respective officer in charge. For departments other than law enforcement or fire services the mayor or the person in charge of the particular service area shall be the appropriate senior officer. (1980 Code, § 1-802)

20-103. Requesting assistance. All requests for emergency assistance made on behalf of the Town of Burns shall be made or authorized by the appropriate senior officer. The Town of Burns through its appropriate senior officer, in accordance with the provisions of the Local Government Emergency Assistance Act of 1987, will be in full command of its emergency as to strategy, tactics, and overall direction of the operation and shall direct the actions of the responding party by relaying orders to the senior officer in command of the responding party.

The Town of Burns accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101 et seq., caused by the negligence of its employees or the employees including authorized volunteers of a responding party while under the command of the senior officer of the Town of Burns. However, the Town of Burns does not accept liability for damages to the equipment or personnel including authorized volunteers of a responding party, nor is the Town of Burns liable for any damages caused by the negligence of the personnel of the responding party while enroute to or returning from the scene of the emergency.

The Town of Burns acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (1980 Code, § 1-803)

20-104. Responding to a request for emergency assistance. The Town of Burns will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting town. All requests for emergency assistance shall be made only to the appropriate senior officer in charge of the particular service area for which services are requested.

Upon the receipt of a request for aid as provided for in the preceding paragraph the town is authorized to respond as follows:

(1) The town is authorized to provide at least one (1) piece of equipment and (1) person or crew from that particular service area from which emergency assistance is requested.

(2) The greatest response that the Town of Burns will provide is fifty percent (50%) of the personnel and resources of that particular service for which emergency assistance is requested.

The Town of Burns has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary judgment of the appropriate senior officer in command at the scene of the emergency or the appropriate senior officer for that service for the Town of Burns. In cases where two or more requests for emergency assistance are made at the same time, the appropriate senior officer of the Town of Burns shall determine, based upon a reasonable appraisal of the emergencies of the requesting jurisdictions, how best to respond to the requests. The appropriate senior officer may determine to send all available resources to

the jurisdiction with the most dire emergency, or may send some resources to each requesting jurisdiction.

The Town of Burns accepts full liability, as defined in Tennessee Code Annotated, § 29-20-101 et seq., for any damages to its equipment and personnel in responding to a request for emergency assistance and for damages caused by its equipment or personnel while enroute to or returning from the scene of the emergency. However, the Town of Burns shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

The personnel of the Town of Burns shall have extended to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the workers compensation laws, which they have in the Town of Burns. (1980 Code, § 1-804)

CHAPTER 2

DEPARTMENT OF PARKS AND RECREATION

SECTION

- 20-201. Establishment, equipment and membership.
- 20-202. Organization, rules and regulations.
- 20-203. Records and reports.
- 20-204. Tenure and compensation of members.

20-201. Establishment, equipment and membership. There is hereby established a Department of Parks and Recreation to be supported and equipped from appropriations by the board of commissioners. All equipment and supplies purchased by or through the town shall be and remain the property of the town. The parks and recreation department shall be composed of a department head appointed by the board of commissioners, and a parks and recreation committee appointed by the department head and approved by the board of commissioners and composed of nine (9) members including:

- Department head;
- Members of the Burns Little League;
- Members of the Burns Jr. Pro Basketball;
- Members of the Burns Jr. Pro Football/Cheerleading;
- Members of the Burns Ladies' Auxiliary;

Other members appointed by the department head and approved by the board of commissioners. (Ord. #94, Nov. 1994, as replaced by Ord. #167, April 2006)

20-202. Organization, rules and regulations. The department head shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the parks and recreation department. (Ord. #94, Nov. 1994)

20-203. Records and reports. The department head shall keep adequate records that he may feel necessary and keep the commissioners informed on matters he feels the commissioners should be aware of. (Ord. #94, Nov. 1994)

20-204. Tenure and compensation of members. The department head shall serve at the pleasure of the board of commissioners and shall hold office for a term to be fixed by the board of commissioners not to exceed two years or until his successor is elected and qualified unless he is removed by the board of commissioners.

All personnel of the parks and recreation department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (Ord. #94, Nov. 1994)

ORDINANCE NO. 107

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF BURNS TENNESSEE.

WHEREAS some of the ordinances of the Town of Burns are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Commissioners of the Town of Burns, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Burns Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BURNS, TENNESSEE, THAT:

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

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

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

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such

¹State law reference

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

civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

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

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

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

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

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, 08-05, 1996.

Passed 2nd reading, 09-03, 1996.

Passed 3rd reading, 10-09-, 1996

Public Hearing 10-9-96

Ed Shove

Mayor

Wanda S. Brown

Recorder