

**THE
LINDEN
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

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TOWN OF LINDEN, TENNESSEE

MAYOR

Jimmy Azbill

ALDERMEN

Anna Ruth Harper
Tex Smith
Sherman Vaughan
Billy Ward
Johnny Whitt
Billy Ray Yarbrow

RECORDER/JUDGE

Gail Moore

ATTORNEY

Tommy Doyle

PREFACE

The Linden Municipal Code contains the codification and revision of the ordinances of the Town of Linden, 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 town 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 Sandy Selvage, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Legal Consultant

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
TOWN CHARTER**

Sec. 6. . . . [The Mayor] shall examine all ordinances passed by the Board of Mayor and Aldermen, and, should any of them not meet his approval, he shall return the same to the next regular meeting of said Board, with his objections thereto in writing, and no law or ordinance so vetoed by the Mayor shall go into effect unless the same be again passed by a majority vote of the whole Board. No bill shall become a law or ordinance without having been passed on two separate readings by a majority vote, both of which readings shall not be at the same meeting of the Board, and signed by the Mayor. If the Mayor fail to return any law or ordinance to the next regular meeting of the Board after its passage it shall become a law without his signature.

Sec. 10. Be it further enacted, That all ordinances shall begin with an enacting clause as follows: "Be it enacted by the Board of Mayor and Aldermen of Linden, Tennessee," and that the end of said ordinance contain the provisions, "That this ordinance take effect from and after its passage, the public welfare requiring it," otherwise the same shall not take affect until twenty days after its passage.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

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

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first Tuesday of each month at the town hall. (1978 Code, § 1-101)

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

- (1) Call to order by the mayor.

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: § 18.

Oath of office: §§ 7 and 8.

Powers and duties: §§ 8 and 9.

Quorum: § 8.

Term of office: §§ 5 and 32.

Vacancy in office: § 8.

- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Communications from the mayor.
- (5) Reports from committees, aldermen, and other officers.
- (6) Old business.
- (7) New business.
- (8) Adjournment. (1978 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 mayor and aldermen 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. (1978 Code, § 1-103, modified)

CHAPTER 2**MAYOR**³**SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all the affairs of the town and may require such reports from the various officers and employees of the town as he may reasonably deem necessary to carry out his executive responsibilities. (1978 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1978 Code, § 1-202)

³Charter references

Compensation: § 6.

Duties: § 6.

Oath of office: § 6.

Qualifications: § 6.

Term of office: § 32.

Vacancy in office: § 8.

CHAPTER 3**RECORDER**⁴**SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general clerical duties, etc.

1-301. To be bonded. The recorder shall be bonded in the sum of one thousand dollars (\$1,000.00) before assuming the duties of his office. (1978 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep an ordinance book in which he shall keep the original copy of all ordinances passed by the board of mayor and aldermen. (1978 Code, § 1-302)

1-303. To perform general clerical duties, etc. The recorder shall perform all clerical duties for the board of mayor and aldermen and for the town which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers. (1978 Code, § 1-303)

⁴Charter references

Bond: § 14.

Compensation: § 14.

Duties: § 14.

Oath of office: § 14.

Term of office: § 14.

Vacancy in office: § 16.

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. LINDEN BOARD OF PARKS AND RECREATION.****CHAPTER 1****LINDEN BOARD OF PARKS AND RECREATION****SECTION**

2-101. Creation; membership; terms.

2-102. Responsibilities.

2-103. Revocation of privileges.

2-101. Creation; membership; terms. There is hereby created the Linden Board of Parks and Recreation, which will be supervised and governed by an operations committee of five (5) members, to be appointed by the town mayor and aldermen pursuant to applicable laws and regulations. Members of said committee will serve at the pleasure of the mayor and aldermen one (1) member will serve as chairman of the commission and will be appointed by the other members thereof. The city hall shall be open to all citizens of the Town of Linden. (as added by Ord. #95-1, June 1995)

2-102. Responsibilities. The said operations committee shall be responsible for the overall operation of all public parks and facilities within the jurisdiction of the Town of Linden, and shall collect and report any rents and profits to the city recorder in order that said funds may be recorded and subject to verification by audit. Any and all profits, grants or loans shall be used for the operation and improvement of the facility; however, all records shall be kept and maintained by the city recorder. All charges made to participants and the citizens of Linden shall be uniform for the use of the facility. (as added by Ord. #95-1, June 1995)

2-103. Revocation of privileges. All privileges granted and provided to individuals and civic organizations may be revoked or suspended should such participants commit any waste upon the facility, inflict any unnecessary damage to said property, either real or personal, or fail to maintain and keep order and clean the said facilities. (as added by Ord. #95-1, June 1995)

TITLE 3

MUNICIPAL COURT

CHAPTER

1. CITY COURT.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.
5. CITY JUDGE.
6. PENALTIES.

CHAPTER 1

CITY COURT

SECTION

3-101. Creation, jurisdiction, etc.

3-101. Creation, jurisdiction, etc. There is hereby created a city court which shall have the jurisdiction of, and be presided over by the officer designated by the municipal charter to handle judicial matters within the municipality. Such officer shall be known as the city judge. (1978 Code, § 1-501)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines and costs.

3-203. Disposition and report of fines and costs.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket record of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name, action dates, warrant and summons numbers, alleged offense, disposition, fines and costs imposed and whether collected, whether committed to workhouse, for how long committed, etc. (1978 Code, § 1-502)

3-202. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1978 Code, § 1-508)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and disposed of in accordance with the provisions of the Linden Charter. Then, at the end of each month, he shall submit to the a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1978 Code, § 1-510)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1978 Code, § 1-511)

3-205. Trial and disposition of cases. Every person arrested for allegedly violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. In no event shall the trial of an alleged offender be delayed more than twenty-four (24) hours after his arrest unless he specifically requests such delay. Provided, however, that the provisions of this section shall not 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. (1978 Code, § 1-506)

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 Only the city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1978 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city 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 city 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 city 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. (1978 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he reasonably believes will better enable him to equitably dispose of 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. (1978 Code, § 1-505)

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. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city 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 city 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. (1978 Code, § 1-507)

3-402. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in the sum of one hundred dollars (\$100.00) and shall be conditioned that the defendant shall appear for trial before the city 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

- (1) in the form of a cash deposit or
- (2) it may be made by any corporate surety company authorized to do business in Tennessee or
- (3) it may be made by two (2) private persons who individually own real property of sufficient value which is located within the county. No other type bond shall be acceptable. (1978 Code, § 1-509)

CHAPTER 5**CITY JUDGE****SECTION**

3-501. City judge.

3-501. City judge. (1) Pursuant to Tennessee Code Annotated, § 6-4-301(b)(1)

(a) The city judge for the City of Linden, State of Tennessee shall be over 35 years of age, licensed in the State of Tennessee to practice law, and shall be a resident of the State of Tennessee. In the event he removes his residency from the State of Tennessee he shall automatically vacate his or her office.

(b) The city judge shall be appointed by, and serve at the will and pleasure of, the board of mayor and aldermen.

(c) Vacancies in the office of city judge shall be filled by the board of mayor and aldermen.

(d) The compensation of the city judge shall be \$250.00 per month.

(e) During the absence or disability of the city judge, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties. The judge pro tem shall have all the qualifications required of the city judge under this chapter, and shall have all the authorities and powers of the city judge.

(2) Consistent with *Town of South Carthage v. Barrett* 840 S.W. 2d 895 (Tenn. 1992) the city judge is an appointed judge and shall have jurisdiction only over violations of municipal ordinances. (as added by Ord. #00-11-A, Nov. 2000)

CHAPTER 6**PENALTIES****SECTION**

3-601. Traffic violations.

3-602. Municipal ordinance violations.

3-601. Traffic violations. All municipal traffic violations authorized by law to be heard in municipal court are hereby set at fifty (50) dollars.¹ (as added by Ord. #00-12-A, Jan. 2001)

3-602. Municipal ordinance violations. All municipal ordinance violations other than traffic violations are hereby set at a maximum of one-hundred (100) dollars. (as added by Ord. #00-12-A, Jan. 2001)

¹Municipal code reference
Traffic citations: § 15-706.

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

1. SOCIAL SECURITY.
2. VACATION AND SICK LEAVE.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.
5. DRUG TESTING POLICY AND PROCEDURES.
6. ALCOHOL TESTING POLICY AND PROCEDURES.

CHAPTER 1**SOCIAL SECURITY****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. Personnel excluded from coverage.
- 4-107. Coverage extended.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for the employees and officials of the municipality, 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 municipality shall take such action as may be required by applicable state and federal laws or regulations. (1978 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto, with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section, effective January 1, 1952. (1978 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. (1978 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. (1978 Code, § 1-704)

4-105. Records and reports. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1978 Code, § 1-705)

4-106. Personnel excluded from coverage. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or employee or official now authorized to be covered by any other ordinance creating any retirement system for any employee or official for the municipality. There is further excluded from this chapter any authority to make any agreement with respect to emergency employees, employees rendering services in part-time and fee basis positions, and elective legislative officials, or any employee or official not authorized to be covered by applicable federal or state laws or regulations. (1978 Code, § 1-706)

4-107. Coverage extended. Acting under the authority of § 4-102 of this code, the mayor is hereby directed to make and enter into a supplement to the Social Security Agreement of February 4, 1952, to provide coverage in the system of federal old age and survivors insurance, effective April 1, 1961, for emergency employees, employees rendering services in part-time and fee basis positions, and elective legislative officials. (1978 Code, § 1-707)

CHAPTER 2

VACATION AND SICK LEAVE

SECTION

4-201. Applicability of chapter.

4-202. Vacation leave.

4-203. Sick leave.

4-204. Leave records.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1978 Code, § 1-801)

4-202. Vacation leave. All officers and employees shall be given a credit of one (1) working day of vacation leave with pay for each full month of employment. Such vacation leave, up to the number of working days credited on this basis, shall be taken at a time approved by the mayor or such other officer as he may designate. At no time shall a person's total credit for accrued vacation leave exceed twelve (12) working days. (1978 Code, § 1-802)

4-203. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each full month of employment. Sick leave shall be taken only when approved by the mayor or by such other officer as he may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. However, the mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave. The number of days which may be accrued as sick leave under the provisions of this section shall not be limited. (1978 Code, § 1-803)

4-204. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credit earned and leave taken under this chapter. (1978 Code, § 1-804)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program.

4-301. Title. This section shall provide authority for establishing and administering the occupational safety and health program for the employees of the Town of Linden. (1978 Code, § 1-1001, as added by Ord. #03-08-A, Sept. 2003)

4-302. Purpose. The Town of Linden, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1978 Code, § 1-1002, as replaced by Ord. #03-08-A, Sept. 2003)

4-303. Coverage. The provisions of the occupational safety and health program plan for the employees of Town of Linden shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Linden whether part-time or full-time, seasonal or permanent. (1978 Code, § 1-1003, as replaced by Ord. #03-08-A, Sept. 2003)

4-304. Standards authorized. The occupational safety and health standards adopted by the Town of Linden are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (1978, § 1-1003, as replaced by Ord. #03-08-A, Sept. 2003)

4-305. Variances from standards authorized. The Town of Linden may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the Town of Linden shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the Town of Linden shall be deemed sufficient notice to employees. (1978 Code, § 1-1004, as replaced by Ord. #03-08-A, Sept. 2003)

4-306. Administration. For the purposes of this chapter, the gas, water, street sup is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer safety standards. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #03-08-A, Sept. 2003)

4-307. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Town of Linden. (as added by Ord. #03-08-A, Sept. 2003)

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. #93-1, July 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. #93-1, July 1993)

4-403. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The town's travel reimbursement rates will automatically change when the federal 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. #93-1, July 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 town 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. #93-1, July 1993)

CHAPTER 5

DRUG TESTING POLICY AND PROCEDURES

SECTION

4-501. Policy and purpose as to coverage.

4-502. Adoption of testing policy and procedures.

4-501. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Linden to comply with any and all federal or state regulations, including those imposed by the federal Omnibus Transportation Employee Testing Act of 1991 (the "Act") and the U.S. Department of Transportation's Research and Special Programs Administrator, regulating substance abuse testing for those town employees specifically covered by such regulations. (as added by Ord. #96-3, § 1, Dec. 1996)

4-502. Adoption of testing policy and procedures. (1) The board of mayor and aldermen shall develop and adopt substance abuse testing policies and procedures in compliance with applicable federal and state regulations.

(2) In accordance with the provisions of paragraph (1) above, the following substance abuse testing policy and procedure, attached hereto,¹ covering certain employees in the town's gas utility department is hereby approved and adopted;

Town of Linden Drug Testing Policy and Procedures. (as added by Ord. #96-3, §§ 1 and 2, Dec. 1996)

¹A copy of the policy and procedures is available in the office of the recorder.

CHAPTER 6

ALCOHOL TESTING POLICY AND PROCEDURES

SECTION

4-601. Policy and purpose as to coverage.

4-602. Adoption of testing policy and procedures.

4-601. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Linden to comply with any and all federal or state regulations, including those imposed by the federal Omnibus Transportation Employee Testing Act of 1991 (the "Act") and the U.S. Department of Transportation's Research and Special Programs Administrator, regulating substance abuse testing for those town employees specifically covered by such regulations. (as added by Ord. #96-4, § 1, Dec. 1996)

4-602. Adoption of testing policy and procedures. (1) The board of mayor and aldermen shall develop and adopt substance abuse testing policies and procedures in compliance with applicable federal and state regulations.

(2) In accordance with the provisions of paragraph (1) above, the following substance abuse testing policy and procedure, attached hereto,¹ covering certain employees in the town's gas utility department is hereby approved and adopted;

Town of Linden Gas Department Alcohol Testing Policy and Procedures.
(as added by Ord. #96-4, §§ 1 and 2, Dec. 1996)

¹A copy of the policy and procedures is available in the office of the recorder.

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.

CHAPTER 1

REAL PROPERTY TAXES

SECTION

5-101. Penalty on delinquent property taxes.

5-101. Penalty on delinquent property taxes.² All delinquent municipal real property taxes shall have added thereto such penalty as is authorized and prescribed by the state law for delinquent county real property taxes.³ (1978 Code, § 6-201)

¹Charter references

Assessment: § 22.

Delinquency penalties: § 25.

Due date: § 25

Levy: § 24.

²Charter and state law reference

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

³Charter and state law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes.
- (2) Under Tennessee Code Annotated, §§ 6-55-201--6-55-206.
- (3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.

CHAPTER 2

PRIVILEGE TAXES

SECTION

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the act. (1978 Code, § 6-301)

5-202. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1978 Code, § 6-302)

CHAPTER 3

WHOLESALE BEER TAX

SECTION

5-301. To be collected.

5-301. 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 (1978 Code, § 6-401)

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 4

PURCHASING

SECTION

5-401. Limit on purchases without bidding.

5-401. Limit on purchases without bidding. The limit on purchases shall be raised from \$2,500.00 to \$4,000.00 that can be purchased without going through the bidding process. (Ord. #91-4, Oct. 1991)

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

1. POLICE AND ARREST.
2. WORKHOUSE.
3. POLICE DEPARTMENT.

CHAPTER 1**POLICE AND ARREST****SECTION**

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

6-101. 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. (1978 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1978 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the mayor shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1978 Code, § 1-403)

6-104. When policemen to make arrests.¹ 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:

¹Municipal code reference

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

- (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. (1978 Code, § 1-404)

6-105. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1978 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available or the alleged offender is not able to post the require bond, he shall be confined. (1978 Code, § 1-406)

6-107. 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.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1978 Code, § 1-407)

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. (1978 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1978 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. (1978 Code, § 1-603)

CHAPTER 3**POLICE DEPARTMENT****SECTION**

6-301. County sheriff's department to enforce municipal ordinances.

6-301. County sheriff's department to enforce municipal ordinances. The Sheriff's Department of Perry County shall enforce the municipal ordinances of the city according to the terms of the agreement entered into between the city and the County of Perry, the Sheriff's Department of the County of Perry, and the Perry County Court of General Sessions, pursuant to Tennessee Code Annotated, §§ 8-8-201(34), 12-9-104 and 16-15-501.¹ (Ord. #88-1, ____, modified)

¹The agreement is of record in the office of the recorder.

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.

CHAPTER 1**FIRE DISTRICT****SECTION**

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows: Beginning at a point, said point being 70' south of the centerline of Church Street and 40' west of the centerline of Maple Street; thence N 83° 15' E 1200' generally paralleling the centerline of Church Street to a point; thence N 6° 45' W a distance of 350' to a point; thence S 83° 15' W a distance of 150' to a point, said point being approximately in the centerline of the right-of-way of U.S. Hwy. 100; thence N 6° 45' W - 500' to a point, said point being approximately 350' north of the centerline of School Street; thence S 83° 15' W-1050' to a point, said point being approximately 90' west of the centerline of Maple Street and approximately 300' north of the centerline of School Street; thence S 6° 45' E. 850' generally paralleling the centerline of Maple Street to the point of beginning. (1978 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Fire code modified relative to fireworks.
- 7-203. Enforcement.
- 7-204. Definition of "municipality."
- 7-205. Storage of explosives, flammable liquids, etc.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Violations.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1994 edition, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1978 Code, § 7-201, modified)

7-202. Fire code modified relative to fireworks. The fire prevention code herein adopted by reference is modified by deleting therefrom art. 13 which regulates fireworks. The possession, sale, manufacture, distribution, and use of fireworks shall be regulated in accordance with the provisions of the state law as set forth in the Tennessee Code Annotated, title 68, chapter 104. (Ord. #86-2, ___)

7-203. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1978 Code, § 7-202)

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

²Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-204. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Linden, Tennessee. (1978 Code, § 7-203)

7-205. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire limits as set out in § 7-101 of this code. (1978 Code, § 7-204)

7-206. Gasoline trucks. No person shall operate or park any gasoline tank truck within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1978 Code, § 7-205)

7-207. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1978 Code, § 7-206)

7-208. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen of the town or by a court of competent jurisdiction, within the time fixed herein. 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. (1978 Code, § 7-207)

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.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen, in no event less than fourteen (14) as the chief shall appoint. (1978 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. (1978 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. (1978 Code, § 7-303)

7-304. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment,

¹Municipal code reference

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

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. (1978 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1978 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. (1978 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 fire prevention commissioner in the execution of the provisions thereof. (1978 Code, § 7-308)

CHAPTER 4**FIRE SERVICE OUTSIDE TOWN LIMITS****SECTION**

7-401. Equipment to be used only within corporate limits generally.

7-401. Equipment to be used only within corporate limits generally. No equipment of the volunteer fire department shall be used for fighting any fire outside the corporate limits unless the fire is on town owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the town as to endanger the town property or unless expressly authorized in writing by the board of mayor and aldermen. (1978 Code, § 7-307)

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

1. INTOXICATING LIQUORS.
2. BEER.

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 this municipality. "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. (1978 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 business lawful but subject to regulation.
- 8-202. Beer board created.
- 8-203. Restrictions on issuance of permits.
- 8-204. Application for permit.
- 8-205. Suspension or revocation of permits; hearings.
- 8-206. Permit to be posted.
- 8-207. Permit not transferable.
- 8-208. Wholesalers, distributors, etc., to sell only to licensed retailers.
- 8-209. Permittees not to sell to persons who are intoxicated, feeble minded, etc.
- 8-210. Hours of sale regulated.
- 8-211. Location of beer places restricted.
- 8-212. Pinball machines, etc., prohibited in business places selling beer.
- 8-213. Permit required for engaging in beer business.
- 8-214. Privilege tax.
- 8-215. Civil penalty in lieu of suspension.

8-201. Beer business lawful but subject to regulation. As set forth by Tennessee Code Annotated, § 57-5-101 it shall hereafter be lawful to sell, store for resale, distribute, or manufacture beer of alcoholic content of not more than five percent (5%) by weight, or other beverages of a like alcoholic content, within the corporate limits of the Town of Linden, Tennessee, subject to all of the regulations, limitations, and restrictions hereinafter provided. (1978 Code, § 2-201)

8-202. Beer board created. There is hereby created a board, which shall be known and designated as the "beer board" of the Town of Linden, Tennessee. Such board shall be composed of the mayor and aldermen of the Town of Linden, Tennessee, or a board composed of three (3) members appointed by the board of mayor and aldermen. (1978 Code, § 2-202)

8-203. Restrictions on issuance of permits. Permits issued for the retail sale of beverages coming within the provisions of this chapter shall be

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).

restricted to permits providing for off-premise consumption only. Further, permits will be restricted to locations where the principal business activity of the permittee is the sale of groceries, food supplies, other related items and for any legitimate business activity. The determination of the principal business activity of the permittee will be based on an average inventory over a period of one calendar year, wherein the inventory of beer stored and sold shall not exceed 49% of the total of such average inventory. (1978 Code, § 2-204, as amended by Ord. #03-4-A, May 2003)

8-204. Application for permit. Before any permit is issued by the beer board, the applicant therefor shall file with the beer board a sworn petition in writing on forms prescribed and furnished by the board, and shall establish the following:

(1) That the applicant is a citizen of the United States, or if a syndicate or association, that all the members thereof are citizens of the United States.

(2) The location of the premises at which the business shall be conducted.

(3) The owner or owners of such premises.

(4) That no person will be employed in the sale, storage for resale, distribution, or manufacture of such beverages except those who are citizens of the United States.

(5) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued permits to such applicant.

(6) That no sale of such beverages will be made except in accordance with the permit granted.

(7) That no sale will be made for consumption on the premises and that no consumption will be allowed on the premises thereof.

(8) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of liquor laws to loiter around the place of business.

(9) That neither the applicant nor any persons employed, or to be employed, by him in such distribution or sale of such beverage, has ever been convicted of any violation of the law against prohibition, sale, manufacture, or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(10) That the applicant will conduct the business in person, for himself, or if he is acting as agent, the applicant shall state the person, firm or corporation, syndicate, association or joint stock company, or companies for whom the applicant intends to act. (1978 Code, § 2-205)

8-205. Suspension or revocation of permits; hearings. All permits issued by the beer board under the provisions of this chapter shall be subject to

suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

The board created by this chapter is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked for the violation of the provisions of this chapter or the provisions of the state beer act.

Complaints filed against any permit holder for the purpose of suspending or revoking his permit shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violation. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the Town of Linden, Tennessee. The notice shall be served upon the permittee at least ten (10) days before the date set for the hearing. At the hearing, the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject only to review by the court as provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. (1978 Code, § 2-206)

8-206. Permit to be posted. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1978 Code, § 2-207)

8-207. Permit not transferable. Permits issued under the provisions of this chapter are not transferable, either as to location or to successor by purchase, or otherwise, of the business for which the permit was issued, and in either case, a new permit is required in the manner provided herein.

However, when a proper application for a beer permit has been filed as provided in § 8-204 and the required application fee has been paid and the application is prima facie valid, the mayor or city recorder has the authority to issue a temporary beer permit where a new permit is required because of a change as to location or to successor by purchase, or otherwise, of the business for which a permit was originally issued, said permit to be valid for a period of thirty (30) days from date of issuance or until the next meeting of the beer board, whichever occurs first, unless said temporary permit is revoked because

of a violation of other sections of this section or applicable state law. (1978 Code, § 2-208, as amended by Ord. #83-5, _____)

8-208. Wholesalers, distributors, etc., to sell only to licensed retailers. It shall be unlawful for any wholesaler, distributor, or manufacturer of beer, or any of their salesmen or representatives, to sell or deliver beer enroute, or from delivery vehicles, to any person other than holders of valid retail permits and it shall be the duty of such wholesaler, distributor, or manufacturer, their salesmen or representatives, to ascertain whether or not such purchaser is a holder of a valid retail beer permit. (1978 Code, § 2-209)

8-209. Permittees not to sell to persons who are intoxicated, feeble minded, etc. It shall be unlawful and it is hereby declared to be a misdemeanor for any person, firm, corporation, or association, engaged in the business regulated hereunder, to make, or to permit to be made, any sales or distribution of such beverages to persons intoxicated or to sell or distribute such beverages to persons who are feeble minded, insane, or otherwise mentally incapacitated. (1978 Code, § 2-210)

8-210. Hours of sale regulated. It shall hereafter be unlawful and it is hereby declared to be a misdemeanor for any person, persons, firm, corporation, or association to sell or distribute any such beverage regulated hereunder, within the corporate limits of the Town of Linden, Tennessee, between the hours of 12 Midnight and 6:00 A.M. daily, and between the hours of 12 Midnight and 12:00 Noon on Sunday. (1978 Code, § 2-211, as amended by Ord. #97-1, § 1, Aug. 1997)

8-211. Location of beer places restricted. No permit for the sale, storage for resale, distribution, or manufacture of beer of alcoholic content of not more than five percent (5%) by weight, or other beverage of a like alcoholic content shall be issued to an applicant whose building is located within three hundred (300) feet of any church or public school. Such distance shall be measured in a direct line from the church or public school building to the nearest point of the applicant's building. (1978 Code, § 2-212)

8-212. Pinball machines, etc., prohibited in business places selling beer. No gambling devices, pool tables, pinball machines, coin operated music machines or devices shall be permitted to operate upon any premises from which beer is sold. The term "pinball machine" is defined to mean any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball or any other article or device, and as a result of the play, action, or operation of such machine, apparatus, contrivance, appliance, or device whether by skill or by chance, a score or result of such play, action or operation is in any way recorded,

exhibited, or made known; including, but not limited to tape machine, card machine, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, basketball game machine, football game machine, pool game machine, or any other similar machine or video device. (1978 Code, § 2-213)

8-213. 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 without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of cash and/or check payable to the Town of Linden. Each applicant must be a person of good moral character and certify that he/she has read and is familiar with the provisions of this chapter. (Ord. #93-3, Oct. 1993)

8-214. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Linden, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay a privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #93-3, Oct. 1993)

8-215. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #93-3, Oct. 1993)

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. TELECOMMUNICATIONS RIGHTS-OF-WAY RENTAL.

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 to falsely 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. (1978 Code, § 5-101)

¹Municipal code references

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

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. (1978 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. (1978 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) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.

(7) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(8) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.

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

(10) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(11) 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. (1978 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. (1978 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 mayor and aldermen. Such appeal shall be taken by filing with the recorder within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The recorder 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. (1978 Code, § 5-205)

9-206. Bond. Every permittee shall file with the town 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 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. (1978 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 municipality 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. (1978 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. (1978 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1978 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. (1978 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 mayor and aldermen 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 mayor may suspend a permit pending the revocation hearing. (1978 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. (1978 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1978 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations 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 assemblies of any such established organization or church. (1978 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1978 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1978 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1978 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance or bond 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 and privilege license 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 and has a currently effective privilege license. (1978 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 mayor and aldermen; and make

¹Municipal code reference
Privilege taxes: title 5.

a recommendation to either grant or refuse a franchise to the applicant. The board of mayor and aldermen 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 mayor and aldermen 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 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. (1978 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. (1978 Code, § 5-403)

9-404. Revocation or suspension of franchise. The board of mayor and aldermen, 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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 municipality 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. (1978 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The board of mayor and aldermen, 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. (1978 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 municipality for the purpose of obtaining patronage for their cabs. (1978 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 interfere unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1978 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. (1978 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. (1978 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 unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the town in any way. (1978 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. (1978 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. (1978 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 except Friday and Saturday nights which shall be from 12:00 Midnight and 6:00 A.M. (1978 Code, § 5-502)

9-503. Minors to be kept out; exception. It shall be unlawful for any person operating, maintaining, or conducting any place where pool table or tables are kept for public use or hire to allow minors under the age of eighteen (18) years to visit in, loiter in or around, or to play pool or any other game therein unless the business has on file a currently effective written notice from the town recorder that said minor's parent or guardian has appeared personally before the town recorder or his designee and has executed a written, dated, and signed permission for such activity. It shall be the duty of the recorder, immediately upon receiving such permission, to give written notice thereof to the chief of police and to the business concerned. A written permission given after a violation of this section shall not be a defense to prosecution for such violation. (1978 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 Linden and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Linden 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. dated March 5, 1974, in the office of the town recorder.

CHAPTER 7

TELECOMMUNICATIONS RIGHTS-OF-WAY RENTAL

SECTION

- 9-701. Purpose.
- 9-702. Applicable scope.
- 9-703. Definitions.
- 9-704. Municipal right-of-way use permit required.
- 9-705. Application to provide telecommunications services using the public rights-of-way.
- 9-706. Municipal right-of-way use permit issuance.
- 9-707. Petition for reconsideration.
- 9-708. Administration and enforcement.
- 9-709. Applicability.
- 9-710. Compensation to city.
- 9-711. Remitting rental fees to the city.
- 9-712. Audits.
- 9-713. Transfers.
- 9-714. Notices to the city.
- 9-715. Construction obligations.
- 9-716. Conditions of rights-of-way occupancy.
- 9-717. Insurance requirements.
- 9-718. Indemnity.
- 9-719. Privacy of customer information.
- 9-720. Annexation; deannexation.
- 9-721. Unauthorized use of public rights-of-way.

9-701. Purpose. The purpose of this chapter is to establish a competitively neutral policy for usage of public rights-of-way for the provision of telecommunications services and enable the city to:

- (1) Permit non-discriminatory access to the public rights-of-way for providers of telecommunications services; and
- (2) Manage the public rights-of-way in order to minimize the impact and cost to the citizens of the placement of telecommunications facilities within the rights-of-way; and
- (3) Obtain fair and reasonable compensation for the commercial use of public rights-of-way through collection of rents; and
- (4) Promote competition among telecommunications service providers and encourage the universal availability of advanced telecommunications services to all residents and businesses of the city.
- (5) Minimize the congestion, inconvenience, visual impact, and other adverse effects on the city's public rights-of-way. (Ord. #97-2, Nov. 1997)

9-702. Applicable scope. This chapter applies to all telecommunications service providers under Titles II ("Title II") and VI ("Title VI") of the Communications Act of 1934, as amended, (47 U.S.C. 201 et seq.) excluding services provided solely by means of wireless transmission. This chapter does not exempt providers of cable service or open video systems service from the requirements of Title VI and applicable FCC rules and regulations. Any requirements and obligations imposed by this chapter are in addition to any requirements imposed by Title VI or state law and regulation on such providers. (Ord. #97-2, Nov. 1997)

9-703. Definitions. (1) "Applicant." Any person who files an application with the city, under section _____,¹ in order to obtain the necessary permission to use the public rights-of-way to provide telecommunications services within the city, whether by means of the person's own facilities or by means of capacity obtained from another provider of telecommunications services.

(2) "City." The City of Linden, the present municipal corporation of Linden, together with any future annexation made pursuant to law.

(3) "City manager." The City Manager of the City of Linden, or the person designated by the city council to carry out the duties and responsibilities of the city manager. City manager shall also mean the person under the city manager's management and control designated by the city manager to administer the provisions of this chapter.

(4) "City requirements." All laws, rules, regulations, policies and directives of general application of the City of Linden, in effect at present or to be adopted in the future by the city.

(5) "Gross revenue." All revenues received by a provider for telecommunications services furnished within the city. However, revenues received for use of network capacity, switched or unswitched access, and sale of unbundled elements under 47 U.S.C. 251 (b) and (c) from resellers of telecommunications services who are in compliance with this chapter are not included. Gross revenue does not include revenue uncollectible from customers ("bad debt") and any end user taxes collected from customers.

(6) "Municipal right-of-way use permit or municipal permit." The right granted by the city to use public rights-of-way to provide telecommunications services within the city to the public or to other providers, as specified by the terms of this chapter.

(7) "Person." Any person, firm, partnership, association, corporation, company or organization of any kind.

¹Ordinance Number 97-2 from which this chapter was taken, has a blank here.

(8) "Provider." A person who has been granted a Certificate of _____¹ by the Tennessee Regulatory Authority and/or who operates or uses a telecommunications network within the city to provide telecommunications services, and who falls under the definition of section 9-702 (Applicable Scope) of this chapter.

(9) "Public rights-of-way." The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which the city holds any property interest or exercises any rights of management or control over and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation and maintenance of a telecommunications network.

(10) "Telecommunications network or network." All facilities placed in the public rights-of-way and used to provide telecommunications services.

(11) "Telecommunications services." All transmissions between or among points specified by the user, of information of the user's choosing (whether voice, video or data), without change in content of the information as sent and received, where such transmissions are accomplished through a telecommunications network. Telecommunications services include all ancillary or adjunct switching services and signal conversions rendered as a function of underlying transmission services, but excludes long distance transmissions (inter-LATA and intra-LATA toll transmissions). Telecommunications services include all services provided. Telecommunications services also include all content or value added services rendered in conjunction with transmission services. (Ord. #97-2, Nov. 1997)

9-704. Municipal right-of-way use permit required. (1) A person may not deliver telecommunications services in the city by means of a network unless the person obtains a municipal right-of-way use permit.

(2) The use of public rights-of-way for the delivery of any service not covered by this chapter is subject to all other applicable city requirements. (Ord. #97-2, Nov. 1997)

9-705. Application to provide telecommunications services using the public rights-of-way. (1) Any person proposing to provide telecommunications services by means of a telecommunications network located within the public rights-of-way ("Applicant") shall submit an application to the city manager. The application, in a form to be prescribed by the city manager, shall describe all services the applicant wishes to provide, outline applicant's

¹Ordinance Number 97-2 from which this chapter was taken, has a blank here.

proposed network, and identify the uses of and potential impact on the public rights-of-way.

(2) The city manager shall have the duty to review applications submitted under this chapter and administer the provisions of this chapter regarding the granting or denial of a municipal right-of-way use permit to applicants. The city manager shall issue municipal right-of-way use permits, and shall administer and enforce compliance with respect to all municipal right-of-way use permits granted under this chapter. The city manager shall submit a report annually to the city council analyzing whether any requirements imposed by each section of this chapter result in

(a) Anticompetitive effects in the market for telecommunications services in the city, as defined by federal law, and/or

(b) Discrimination in favor of or against a holder of a Certificate of Convenience and Necessity, _____, _____¹ under state law. (Ord. #97-2, Nov. 1997)

9-706. Municipal right-of-way use permit issuance. (1) If the city manager finds that the application meets the requirements of this chapter, the city manager shall cause to be prepared a municipal right-of-way use permit for issuance to the applicant.

(2) The city manager shall complete all deliberations towards issuing a municipal right-of-way use permit, and shall issue the permit or a written denial within 60 days of the receipt of an application. The applicant shall respond to all reasonable information requests of the city manager during this consideration period. Any delays in providing such information shall be documented in writing by the city manager, who may cite any delays or refusals in obtaining information from an applicant as grounds for denial of a permit. (Ord. #97-2, Nov. 1997)

9-707. Petition for reconsideration. The act of granting, denying or terminating a municipal right-of-way use permit is an exercise of the police power of the city. A person whose application for a municipal right-of-way use permit is denied must petition the city council for reconsideration before seeking judicial remedies, and must file a petition within 45 days of the written denial of such application by the city manager. A petition is considered denied if the city council does not act within 45 days after the petition is filed with the city clerk. (Ord. #97-2, Nov. 1997)

¹Ordinance Number 97-2 from which this chapter was taken, has blanks here.

9-708. Administration and enforcement. (1) The city manager shall administer this chapter and enforce compliance with a municipal right-of-way use permit granted under this chapter.

(2) A provider shall report information that the city manager requires in the form and manner prescribed by the city manager relating to the use of public rights-of-way for the right-of-way occupancy authorized by a municipal right-of-way use permit granted under this chapter.

(3) The city manager shall report to the city council the city manager's determination that a provider has failed to comply with this chapter. (Ord. #97-2, Nov. 1997)

9-709. Applicability. (1) Sections 9-715 (Construction), 9-716 (ROW Occupancy), and 9-717 (Insurance) of this chapter apply only to a provider that owns or controls physical facilities in the rights-of-way.

(2) Section 9-718 (Indemnity) of this chapter applies to a provider that has a property interest in a network. (Ord. #97-2, Nov. 1997)

9-710. Compensation to city. (1) To compensate the city for the use and occupancy of the public rights-of-way, a provider shall pay a municipal right-of-way rental fee calculated as follows:

(a) Rights-of-way rental fee. Each provider shall be subject to a 5% annual fee based on gross revenue obtained from the provision of telecommunications services within the city.

(b) Non-monetary consideration. To the extent allowed by state and federal law, the city may include non-monetary consideration from each provider as a condition of any municipal right-of-way use permit. To the extent not expressly prohibited by applicable law, a provider may agree to furnish to the city non-monetary consideration in the form of telecommunications services, network capacity, conduit, or other infrastructure at the provider's direct cost. The city manager shall apply a credit or an offset for any non-monetary consideration received to the annual right-of-way rental fee. The city manager shall publicly disclose the form of non-monetary consideration and the credit amount.

(c) Credit for cable television franchise fees and other contributions. Any telecommunications provider who is currently franchised by the city under state and federal law and regulations to provide cable television service shall receive a credit against the annual rights-of-way rental fee for any cable television franchise fees paid to the city, or any other non-monetary contributions to the city under a cable franchise agreement.

(2) A provider may pass through to customers the municipal right-of-way rental fee on a pro rata basis, at its discretion, as permitted by state and federal law. The city does not require or recommend a charge on a per line or per customer basis. (Ord. #97-2, Nov. 1997)

9-711. Remitting rental fees to the city. A provider shall remit the municipal right-of-way rental fee on a quarterly basis. Payment shall be made on or before the 45th day following the close of each calendar quarter for which the payment is calculated. (Ord. #97-2, Nov. 1997)

9-712. Audits. (1) On 30 days notice to a provider, the city may audit a provider at any time. The provider shall furnish information to demonstrate its compliance with the municipal right-of-way use permit.

(2) A provider shall keep complete and accurate books of accounts and records of business and operations in accordance with generally accepted accounting principles for a period of five years. If the Federal Communications Commission requires, a provider shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed in 47 CFR Part 32 or its successor. The city may examine the provider's books and records.

(3) A provider shall make available to the city, for the city to examine, audit, review and copy, in the city's offices, upon the city manager's reasonable written request, its books and records including papers, books, accounts, documents, maps, plans and other provider records pertaining to a municipal right-of-way use permit granted under this chapter. A provider shall fully cooperate in making records available and otherwise assist the city examiner. The city examiner shall not make copies of customer specific information. (Ord. #97-2, Nov. 1997)

9-713. Transfers. (1) A provider may not transfer a municipal right-of-way use permit unless the city manager approves the transfer in writing.

(2) A change in control of a provider is a transfer requiring city manager approval. A change of 25 percent or greater in the ownership of the provider establishes a rebuttable presumption of a change in control.

(3) If a provider attempts to transfer or transfers the provider's municipal right-of-way use permit without approval of the city manager, the city manager may revoke the municipal right-of-way use permit. If a municipal right-of-way use permit is revoked, all rights of the provider under the municipal right-of-way use permit end.

(4) A provider may transfer, without the city manager's approval, the facilities in the rights-of-way under a municipal right-of-way use permit to the provider's affiliate or to another provider who has a municipal right-of-way use permit under this chapter. The provider transferring the facilities remains subject to all applicable obligations and provisions of the municipal right-of-way use permit unless the provider to which the facilities are transferred is also subject to these applicable obligations and provisions.

(5) The city manager must act on a request for transfer of a municipal permit within 90 days of receipt of the request from the provider. Any request

for a transfer of a municipal permit not acted upon within 90 days shall be deemed to have been approved. (Ord. #97-2, Nov. 1997)

9-714. Notices to the city. (1) A provider shall notify the city manager in writing contemporaneously with the transmittal of all petitions, applications, written communications and reports submitted by the provider, to the Federal Communications Commission and the Public Utility Commission, or their successor agencies relating to matters affecting both the use of public rights-of-way and the telecommunications services authorized by a municipal permit granted under this chapter. A provider shall furnish the city manager copies of the documents upon request.

(2) If a provider notifies the city of the confidential nature of information, the city manager shall maintain the confidentiality of the information to the extent permitted by law. Upon receipt in the city manager's office of requests for confidential information the city shall notify the affected providers of the request by facsimile transmission. (Ord. #97-2, Nov. 1997)

9-715. Construction obligations. (1) A provider is subject to the police powers of the city, other governmental powers, and the city's rights as a property owner under state and federal laws. A provider is subject to city requirements and federal and state rules in connection with the construction, expansion, reconstruction, maintenance or repair of facilities in the public rights-of-way.

(2) A provider shall place certain facilities underground according to applicable city requirements.

(3) At the city's request, a provider shall furnish the city accurate and complete information relating to the construction, reconstruction, removal, maintenance, operation and repair of facilities performed by the provider in the public rights-of-way. If any information furnished is erroneous as to the location of facilities, and reliance on this information results in construction delays or additional expenses, the provider who furnished the erroneous information shall be liable for the cost of delays and the additional expenses.

(4) The construction, expansion, reconstruction, excavation, use, maintenance and operation of a provider's facilities and property are subject to applicable city requirements.

(a) A provider shall perform excavations and other construction in the public rights-of-way in accordance with all applicable city requirements, including the obligation to use trenchless technology whenever possible. The director of public works shall waive the requirement of trenchless technology if he determines that field conditions warrant the waiver. A provider shall minimize interference with the use of public and private property and shall follow the construction directions given by the city.

(b) When a provider completes construction work, a provider shall promptly restore the public rights-of-way in accordance with applicable city requirements. A provider may excavate only for the construction, installation, expansion, repair, removal, and maintenance of the provider's facilities.

(c) The city may require a provider to allow attachment of another provider's facilities to its poles and conduits, in accordance with the city charter, state and federal law.

(d) A provider shall furnish the director of public works and the city manager with construction plans and maps showing the routing of new construction at least 45 days before beginning construction that involves an alteration to the surface or subsurface of the public right-of-way. A provider may not begin construction until the plans and drawings have been approved in writing by the director of public works.

(e) If the city manager declares an emergency and requests the removal or abatement of facilities, by written notice, a provider shall remove or abate the provider's facilities by the deadline provided in the city manager's request. A provider and the city shall cooperate to the extent possible to assure continuity of service. If a provider, after notice, fails or refuses to act, the city may remove or abate the facility, at the sole cost and expense of the provider, without paying compensation to the provider and without the city incurring liability for damages.

(f) Except in an emergency, a provider may not excavate the pavement of a street or public right-of-way without first complying with city requirements.

(g) Within 120 days of completion of each new segment of a provider's facilities, a provider shall supply the city with a complete set of "as built" drawings for the segment in a format prescribed by the director of public works. A provider must obtain the city's approval before relocating the provider's facilities in the public rights-of-way. The city may not unreasonably withhold approval. A provider shall furnish a revised map including additional facilities on June 30 of each year to the director of public works showing how these facilities connect to existing facilities. (Ord. #97-2, Nov. 1997)

9-716. Conditions of rights-of-way occupancy. (1) In the exercise of governmental functions, the city has first priority over all other uses of the public rights-of-way. The city reserves the right to lay sewer, gas, water, and other pipe lines or cables and conduits, and to do underground and overhead work, and attachment, restructuring or changes in aerial facilities, in, across, along, over or under a public street, alley or right-of-way occupied by a provider, and to change the curb, sidewalks or the grade of streets.

(2) In case of conflict or interference between the facilities of different providers, the provider whose facilities were first permitted shall have priority over a competing provider's use of the public rights-of-way.

(3) If, during the term of a municipal permit, the city authorizes landowners to occupy space under the surface of any public street, alley, or rights-of-way, the grant to an abutting landowner shall be subject to the rights of the provider. If the city closes or abandons a public rights-of-way that contains a portion of a provider's facilities, the city shall convey the land in the closed or abandoned public rights-of-way subject to the rights granted in the municipal permit.

(4) If the city gives written notice, a provider shall, at the provider's expense, temporarily or permanently, remove, relocate, change or alter the position of provider's facilities that are in the public rights-of-way within 120 days. The city shall give notice whenever the city has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a city or other governmental entity's public improvement in the public rights-of-way. This section shall not be construed to prevent a provider's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal.

(5) A provider who holds a municipal permit may trim trees in or over the rights-of-way for the safe and reliable operation, use and maintenance of its network. All tree trimming shall be performed in accordance with standards promulgated by the city. When ordered by the director of public works, tree trimming shall be done under the supervision of the city.

(6) Providers shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the city gives written notice of no less than 48 hours. The expense of this temporary rearrangements shall be paid by the party or parties requesting and benefitting from the temporary rearrangements. Provider may require prepayment or prior posting of a bond from the party requesting the temporary move. (Ord. #97-2, Nov. 1997)

9-717. Insurance requirements. (1) A provider shall obtain and maintain insurance in the amounts prescribed by the city manager with an insurance company licensed to do business in the State of Tennessee acceptable to the city manager throughout the term of a municipal permit granted under this chapter. A provider shall furnish the city with proof of insurance at the time of filing the acceptance of a municipal permit. The city reserves the right to review the insurance requirements during the effective period of a municipal permit, and to reasonably adjust insurance coverage and limits when the city manager determines that changes in statutory laws, court decisions, or the claims history of the industry or the provider require adjustment of the coverage. For purposes of this section, the city will accept certificates of self-insurance issued by the State of Tennessee providing the same coverage.

(2) The city manager may, on request and at no cost to the city, receive copies of certificates of insurance evidencing the coverage required by this section. The city manager may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulation binding the city, the provider, or the underwriter. If the city manager requests a deletion, revision or modification, a provider shall exercise reasonable efforts to pay for and to accomplish the change.

(a) An insurance certificate shall contain the following required provisions:

(b) Name the city and its officers, employees, board members and elected representatives as additional insureds for all applicable coverage;

(c) Provide for 30 days notice to the city for cancellation, non-renewal, or material change;

(d) Provide that notice of claims shall be provided to the city manager by certified mail; and

(e) Provide that the terms of the municipal permit which impose obligations on the provider concerning liability, duty, and standard care, including the indemnity section, are included in the policy and that the risks are insured within the policy terms and conditions.

(3) A provider shall file and maintain proof of insurance with the city manager during the term of a municipal permit. An insurance certificate obtained in compliance with this section is subject to city approval. The city may require the certificate to be changed to reflect changing liability limits. A provider shall immediately advise the city of actual or potential litigation that may develop that would affect insurance coverage related to a municipal permit.

(4) An insurer has no right of recovery against the city. The required insurance policies shall protect the provider and the city. The insurance shall be primary coverage for losses covered by the policies.

(5) The policy clause "Other Insurance" shall not apply to the city where the city is an insured under the policy.

(6) The provider shall pay premiums and assessments. A company which issues an insurance policy has no recourse against the city for payment of a premium or assessment. Insurance policies obtained by a provider must provide that the issuing company waives all right of recovery by way of subrogation against the city in connection with damage covered by the policy. (Ord. #97-2, Nov. 1997)

9-718. Indemnity. (1) During the term of a municipal permit, a provider is liable for the acts or omissions of an entity used by the provider, including an affiliate, when the entity is involved directly or indirectly in the construction and installation of the provider's facilities. The acts or omissions of the entity shall be considered the acts or omissions of the provider.

(2) Each municipal permit granted under this chapter shall contain a provision that requires a provider to defend, indemnify and hold the city harmless against all damages, cost, loss or expense arising out of, incident to, concerning or resulting from the negligence or willful misconduct of the provider, its agents, employees, or subcontractors, in the performance of activities under the municipal permit:

(a) For the repair, replacement, or restoration of city property, equipment materials, structures and facilities which are damaged, destroyed or found to be defective; and

(b) Against any and all claims, demands, suits, causes of action, and judgements for:

(i) Dmage to or loss of the property of any person including but not limited to the provider, its agents, officers, employees and subcontractors, the city's agents, officers and employees and third parties; and

(ii) Death, bodily injury, illness, disease, worker's compensation, loss of services, or loss of income or wages to any person including but not limited to the agents, officers and employees of the provider, the provider's subcontractors, the city, and third parties, no matter how, or to whom, the loss may occur.

(3) The city manager shall give prompt written notice to a provider of any claim for which the city seeks indemnification. The provider shall have the right to investigate, defend and compromise these claims subject to the city's prior approval. (Ord. #97-2, Nov. 1997)

9-719. Privacy of customer information. A provider shall comply with state and federal law regarding privacy of customer information. (Ord. #97-2, Nov. 1997)

9-720. Annexation; deannexation. Within thirty (30) days following the date of passage of any action affecting any deannexation or annexation, the city manager shall notify providers of this action by furnishing to the providers maps of the affected area(s), showing the new boundaries of the city. (Ord. #97-2, Nov. 1997)

9-721. Unauthorized use of public rights-of-way. (1) A person commits an offense if a person uses the public rights-of-way to provide a telecommunications service without first securing a municipal permit from the city.

(2) Each unauthorized use of the public rights-of-way and each unauthorized placement of facilities constitutes a separate offense. Each day a violation of this chapter occurs shall constitute a distinct and separate offense.

(3) An offense under this subsection is punishable by a fine of no more than \$100. (Ord. #97-2, Nov. 1997, as amended by Ord. #00-12-A, Jan. 2001)

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. (1978 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any other 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. Any person aggrieved by the health officer's decision in any such case may appeal the same to the board of mayor and aldermen. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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 mayor and aldermen. 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 ten (10) 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 mayor and aldermen.

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 mayor and aldermen, to cover the costs of impoundment and maintenance. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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 reasonably provide for the protection of other animals and persons. (1978 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, disturbs the peace and quiet of any neighborhood. (1978 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 police may cause such dog to be confined or isolated for such time as he

¹State law reference

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

reasonably deems necessary to determine if such dog is rabid. (1978 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 mayor and aldermen. 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 mayor and aldermen, 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.² (1978 Code, § 3-207)

²State 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 of beer or intoxicating liquor 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. (1978 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 or otherwise frequent any place where beer is sold at retail for consumption on the premises.

It shall be unlawful for any minor to purchase or attempt to purchase beer and it shall be unlawful for any minor to present or offer to a beer permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to procure beer. It shall also be unlawful for any person to purchase beer for a minor. (1978 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 conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1978 Code, § 10-234, modified)

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. (1978 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. (1978 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. (1978 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 an officer.

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. (1978 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. (1978 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. (1978 Code, § 10-217)

11-504. Resisting or interfering with an officer. 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. (1978 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. (1978 Code, § 10-230)

CHAPTER 6**FIREARMS, WEAPONS AND MISSILES****SECTION**

- 11-601. Air rifles, etc.
- 11-602. Throwing missiles.
- 11-603. Discharge of firearms.

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. (1978 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. (1978 Code, § 10-214)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1978 Code, § 10-212, modified)

CHAPTER 7

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

11-701. Trespassing.

11-702. Malicious mischief.

11-703. 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 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. (1978 Code, § 10-226)

11-702. 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. (1978 Code, § 10-225)

11-703. 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. (1978 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. (1978 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. (1978 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. (1978 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. (1978 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 town recorder to wear a traditional holiday costume. (1978 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.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code², 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 building code. (1978 Code, § 4-101, modified)

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a

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 Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The recommended schedule of permit fees set forth in Appendix "B" of the building code is amended so that the fees to be collected shall be exactly one-half of the sums therein recommended. Provided, however, that the minimum fee for an inspection shall be \$5.00. Section 107 of the building code is hereby deleted. (1978 Code, § 4-102)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the 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. (1978 Code, § 4-103, modified)

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. (1978 Code, § 4-104)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,² 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 plumbing code. (1978 Code, § 4-201, modified)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," or the "Administrative Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1978 Code, § 4-202)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1978 Code, § 4-203, modified)

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 Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1978 Code, § 4-204)

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 1993 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. (1978 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. (1978 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this town 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. (1978 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. (1978 Code, § 4-304)

¹Municipal code reference

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 mayor and aldermen 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. (1978 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. (1978 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 municipality and may be cited as such.

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 board of mayor and aldermen.

(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. (1978 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

¹Municipal code reference

Gas system administration: title 19, chapter 2.

consumer's gas piping and gas appliances. All gas piping and gas appliances 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, 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 town recorder for the use and inspection of the public. (1978 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. (1978 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 town 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 town 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 town 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 town 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

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

conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1978 Code, § 4-404)

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 mayor and aldermen. (1978 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. (1978 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 town 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. (1978 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. (1978 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. (1978 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, and 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. (1978 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. (1978 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. (1978 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 1991 edition with 1992/1994 revisions, 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. (1978 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 mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. Section 108 of the housing code is deleted. (1978 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. (1978 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. (1978 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. Enforcement.
- 12-605. Fees.
- 12-606. 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. (1978 Code, § 4-601, modified)

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 Linden. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

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.

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 been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1978 Code, § 4-602, modified)

12-604. Enforcement. The energy inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the Model Energy Code as herein adopted by reference. (1978 Code, § 4-603)

12-605. Fees. Inspection fees to be collected for enforcement of this chapter shall be as designated by resolution of the board of mayor and aldermen. (1978 Code, § 4-604)

12-606. Violation 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 one hundred dollars (\$100) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as amended by Ord. #00-12-A, Jan. 2001)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Automobile graveyards.
- 13-109. Burning rubbish, etc., without a permit prohibited.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1978 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. (1978 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 to effectively prevent the breeding of mosquitoes. (1978 Code, § 8-106)

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1978 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. (1978 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. (1978 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. (1978 Code, § 8-104)

13-108. Automobile graveyards. (1) For the purposes of this chapter "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

(2) No person shall own or maintain any "automobile graveyard" within the town until he shall receive a permit so to do from the town recorder. The town recorder shall issue such a permit to any applicant whose premises comply with the requirements of this section and all other applicable ordinances of the town. Any permit so issued may be revoked by the town recorder for failure to comply with any requirement of this section. However, charges shall be preferred in writing by the recorder and served upon the permittee and he shall be given the right to be heard as to why his license should not be revoked.

Any person aggrieved by the town recorder's action relative to the issuance or revocation of an "automobile graveyard" permit may appeal to the board of mayor and aldermen which shall hold a hearing and decide whether or not the town recorder's action was reasonable. Based upon its findings at such hearing the board shall affirm or reverse the town recorder's action.

The cost for issuing such permit shall be \$250.00 per year and no permit shall be issued for less than one year at any one time.

(3) All "automobile graveyards" within the town shall be operated and maintained subject to the following regulations:

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

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

(c) Such "automobile graveyards" 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.

(4) No permit for an "automobile graveyard" shall be issued if said "automobile graveyard" is not operated as a business by anyone, and is not used for any purpose whatsoever, and no one claims ownership of said "automobile graveyard."

(5) Any owner and/or operator of an "automobile graveyard" in existence at the time the provisions in this section become effective shall have sixty (60) days in which to get a permit or remove the offending vehicles.

(6) Any person owning or maintaining an "automobile graveyard" in violation of any provision of this section shall be punishable under the general penalty clause for this municipal code. (1978 Code, § 8-111)

13-109. Burning rubbish, etc., without a permit prohibited. (1) It shall be unlawful for any person to burn or attempt to burn refuse or rubbish on private or public property within the corporate limits of the town without first securing a permit from the town.

(2) A permit for the burning of refuse or rubbish may be obtained by contacting town hall and/or the Perry County Sheriff's Department. The Perry County Sheriff's Department will be notified of all permits issued.

(3) Upon violation of burning refuse or rubbish without a permit, the offender may be fined up to \$50.00 in the discretion of the city judge. (Ord. #91-5, Dec. 1991)

CHAPTER 2

SLUM CLEARANCE

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (Ord. #95-5, Sept. 1995, as replaced by Ord. #96-2, § 1, July 1996)

13-202. Definitions. (1) "Municipality" shall mean the Town of Linden, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated § 13-21-101, et seq.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(5) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(6) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(7) "Structures" shall mean any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #95-5, Sept. 1995, as replaced by Ord. #96-2, § 1, July 1996)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the mayor of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the mayor. (Ord. #95-5, Sept. 1995, as replaced by Ord. #96-2, § 1, July 1996)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer 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 public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #96-2, § 1, July 1996)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding 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 (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed

fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #96-2, § 1, July 1996)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (Ord. #96-2, § 1, July 1996)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #96-2, § 1, July 1996)

13-208. Lien for expenses, sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Perry County, 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 collected by the municipal tax collector or county trustee 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. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, 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 of Perry County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Linden to define and declare

nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #96-2, § 1, July 1996)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Linden; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of a dequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (Ord. #96-2, § 1, July 1996)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon, persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Perry County Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #96-2, § 1, July 1996)

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (Ord. #96-2, § 1, July 1996)

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #96-2, § 1, July 1996)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #96-2, § 1, July 1996)

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to 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. (Ord. #96-2, § 1, July 1996)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. REGULATING RESIDENTIAL LOTS.

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. One member shall be the mayor of the town and one member shall be an alderman selected by the board of mayor and aldermen. 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) appointive members of the planning commission 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 member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their membership on the board. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1978 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall have such organization, rules, staff, powers, functions, duties, and responsibilities as are prescribed in the general law relating to municipal planning commissions in Tennessee Code Annotated, title 13. (1978 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 Linden shall be governed by Ordinance Number ____, titled "Zoning Ordinance, Linden, Tennessee," and any amendments thereto.¹

¹Ordinance No. ____, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

CHAPTER 3

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-301. Flood damage control to be governed by flood damage prevention ordinance.

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the City of Linden shall be governed by Ordinance Number 93-2, titled "Municipal Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance No. 93-2, is published as a separate document and is of record in the office of the recorder.

CHAPTER 4

REGULATING RESIDENTIAL LOTS

SECTION

14-401. One-half acre lot requirement.

14-402. Distance required between houses or mobile homes.

14-403. Owner may apply for variance.

14-404. Present dwelling or mobile home in violation can not be replaced.

14-405. Underpinning required; lots kept mowed, and attractive in appearance.

14-401. One-half acre lot requirement. Each residence or mobile home erected or located within the town shall be on a lot having an area of not less than one-half ($\frac{1}{2}$) acre. (as added by Ord. #02-3-B, April 2002)

14-402. Distance required between houses or mobile homes. A distance of 25 feet shall be left between all houses or mobile homes. (as added by Ord. #02-3-B, April 2002)

14-403. Owner may apply for variance. In cases of severe hardship, a landowner may apply to the board of mayor and aldermen for a variance permitting less distance between residential structures. (as added by Ord. #02-3-B, April 2002)

14-404. Present dwelling or mobile home in violation can not be replaced. Whenever any present dwelling or mobile home which would be in violation of this chapter is moved, torn down or destroyed, there shall be no replacement so as to use the lot in a manner not permitted by this chapter. (as added by Ord. #02-3-B, April 2002)

14-405. Underpinning required; lot to be kept mowed, and attractive in appearance. All mobile homes located within the town shall be underpinned and all residential lots shall be kept mowed, free of junk and attractive in appearance. (as added by Ord. #02-3-B, April 2002)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. SPEED LIMITS.
3. TURNING MOVEMENTS.
4. PARKING.
5. ENFORCEMENT.
6. [DELETED.]
7. [DELETED.]

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Adoption of state traffic statutes and regulations.
- 15-102. Motor vehicle requirements.
- 15-103. Driving on streets closed for repairs, etc.
- 15-104. General requirements for traffic-control signs, etc.
- 15-105. Presumption with respect to traffic-control signs, etc.
- 15-106. School safety patrols.
- 15-107. Driving through funerals or other processions.
- 15-108. Riding on outside of vehicles.
- 15-109. Projections from the rear of vehicles.
- 15-110. Causing unnecessary noise.
- 15-111. Vehicles and operators to be licensed.
- 15-112. Damaging pavements.
- 15-113. Bicycle riders, etc.

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. Truck route established.

15-115--15-123. [Deleted.]

15-124. Compliance with financial responsibility law required.

15-101. Adoption of state traffic statutes and regulations. All violations of state regulations for the operation of vehicles committed within the corporate limits of the municipality and which are defined by state law are hereby designated and declared to be offenses against the Town of Linden also. This provision shall not apply to any offenses in which the state courts have exclusive jurisdiction. (1978 Code, § 9-101, as replaced by Ord. #03-07-A, Aug. 2003)

15-102. 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. (1978 Code, § 9-106, as replaced by Ord. #03-07-A, Aug. 2003)

15-103. 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. (1978 Code, § 9-107, as replaced by Ord. #03-07-A, Aug. 2003)

15-104. 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,¹ 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. (1978 Code, § 9-109, as replaced by Ord. #03-07-A, Aug. 2003)

15-105. 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. (1978 Code, § 9-110, as replaced by Ord. #03-07-A, Aug. 2003)

¹This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

15-106. 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. (1978 Code, § 9-111, as replaced by Ord. #03-07-A, Aug. 2003)

15-107. 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. (1978 Code, § 9-112, as replaced by Ord. #03-07-A, Aug. 2003)

15-108. 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. (1978 Code, § 9-113, as replaced by Ord. #03-07-A, Aug. 2003)

15-109. 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. (1978 Code, § 9-114, as replaced by Ord. #03-07-A, Aug. 2003)

15-110. 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. (1978 Code, § 9-115, as replaced by Ord. #03-07-A, Aug. 2003)

15-111. 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." (1978 Code, § 9-116, as replaced by Ord. #03-07-A, Aug. 2003)

15-112. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality 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. (1978 Code, § 9-117, as replaced by Ord. #03-07-A, Aug. 2003)

15-113. Bicycle riders, etc. No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, 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. (1978 Code, § 9-118, as replaced by Ord. #03-07-A, Aug. 2003)

15-114. Truck route established. All trucks traveling through the town shall travel only on State Highways Nos. 13, 100 and 20 through the town limits of the Town of Linden. (1978 Code, § 9-120, as replaced by Ord. #03-07-A, Aug. 2003)

15-115- -15-123. [Deleted.] (as deleted by Ord. #03-07-A, Aug. 2003)

15-124. 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 purposes 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 the Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial

Responsibility Law of 1977, 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 1977, 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 prescribed 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. #02-2-A, March 2002)

CHAPTER 2

SPEED LIMITS

SECTION

15-201. In general.

15-202. At intersections.

15-203. In congested areas.

15-204. [Deleted.]

15-201. 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. (1978 Code, § 9-102, as replaced by Ord. #03-07-A, Aug. 2003)

15-202. At intersections. It shall be unlawful for any person to operate or 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. (1978 Code, § 9-103, as replaced by Ord. #03-07-A, Aug. 2003)

15-203. 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 municipality. (1978 Code, § 9-104, as replaced by Ord. #03-07-A, Aug. 2003)

15-204. [Deleted.] (as deleted by Ord. #03-07-A, Aug. 2003)

CHAPTER 3

TURNING MOVEMENTS

SECTION

15-301. U-turns.

15-302--15-304. [Deleted.]

15-301. U-turns. U-turns are prohibited. (1978 Code, § 9-201, as replaced by Ord. #03-07-A, Aug. 2003)

15-302- -15-304. [Deleted.] (as deleted by Ord. #03-07-A, Aug. 2003)

CHAPTER 4

PARKING

SECTION

15-401. Generally.

15-402. Angle parking.

15-403. Occupancy of more than one space.

15-404. Loading and unloading zones.

15-405. Presumption with respect to illegal parking.

15-401. Generally. 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. (1978 Code, § 9-301, as replaced by Ord. #03-07-A, Aug. 2003)

15-402. 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. (1978 Code, § 9-302, as replaced by Ord. #03-07-A, Aug. 2003)

15-403. 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. (1978 Code, § 9-303, as replaced by Ord. #03-07-A, Aug. 2003)

15-404. 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. (1978 Code, § 9-304, as replaced by Ord. #03-07-A, Aug. 2003)

15-405. 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

Change 5, September 2, 2003

15-9

is responsible for such illegal parking. (1978 Code, § 9-305, as replaced by Ord. #03-07-A, Aug. 2003)

CHAPTER 5

ENFORCEMENT

SECTION

- 15-501. Issuance of traffic citations.
- 15-502. Failure to obey citation.
- 15-503. Illegal parking.
- 15-504. Impoundment of vehicles.
- 15-505. Disposal of abandoned motor vehicles.
- 15-506. Violation and penalty.
- 15-507--15-510. [Deleted.]

15-501. 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 city 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. (1978 Code, § 9-401, as replaced by Ord. #03-07-A, Aug. 2003)

15-502. 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. (1978 Code, § 9-402, as replaced by Ord. #03-07-A, Aug. 2003)

15-503. 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 five (5) days during the hours and at a place specified in the citation. (1978 Code, § 9-403, as replaced by Ord. #03-07-A, Aug. 2003)

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

15-504. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle 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 fines and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and a storage costs of one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1978 Code, § 9-404, as replaced by Ord. #03-07-A, Aug. 2003)

15-505. 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. (1978 Code, § 9-405, as replaced by Ord. #03-07-A, Aug. 2003)

15-506. 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 of fifty dollars (\$50.00)¹ for each separate offense.

(2) Parking violations. For other parking violations, the offender may, within five (5) days, have the charge against him disposed of by paying to the town recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days the chief of police shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter reminding him of his prima facie responsibility for the violation and warning him that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be secured. (1978 Code, § 9-406, as replaced by Ord. #03-07-A, Aug. 2003)

15-507- -15-510. [Deleted.] (as deleted by Ord. #03-07-A, Aug. 2003)

¹Municipal code reference
Penalties; traffic violations: § 3-601.

CHAPTER 6

(This chapter was deleted by Ord. #03-07-A, Aug. 2003)

CHAPTER 7

(This chapter was deleted by Ord. #03-07-A, Aug. 2003)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET NAMES AND PROPERTY NUMBERS.

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. Animals and vehicles on sidewalks.
- 16-112. 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. (1978 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. (1978 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. (1978 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 (1978 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. (1978 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 statute. (1978 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. (1978 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. (1978 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. (1978 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first 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

¹Municipal code reference
Building code: title 12, chapter 1.

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 immediately clean up the resulting litter. (1978 Code, § 12-110)

16-111. 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. (1978 Code, § 12-111)

16-112. 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. (1978 Code, § 12-112)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

16-201. Prohibited by individuals generally.

16-202. Who to make.

16-203. Application for.

16-204. Costs.

16-205. Barricades and lights.

16-206. Driveway curb cuts.

16-201. Prohibited by individuals generally. It shall be unlawful for any private person, firm or corporation to make any excavation in any public street, alley, sidewalk or right of way unless specific authority is granted by the municipal governing body. (1978 Code, § 12-201)

16-202. Who to make. Excavations in public streets, alleys, sidewalks, and rights of way shall be made only by the municipality and franchised utility companies having public liability insurance of not less than \$100,000.00 for one person, \$300,000.00 for one accident and property damage insurance of not less than \$50,000.00. (1978 Code, § 12-202)

16-203. Application for. When any person needs an excavation in a public street, alley, sidewalk or right of way, he shall make application to the town recorder therefor. Such application shall state thereon the name of the applicant, the location of the intended excavation, the size thereof, and the purpose thereof. The application shall be accompanied by a deposit of such sum of money as the town recorder reasonably estimates will be adequate to cover the costs to be incurred by the municipality in making such excavation and thereafter restoring the public street, alley, sidewalk or right of way to its former condition. (1978 Code, § 12-203)

16-204. Costs. The municipality shall keep an accurate record of all expenses incurred in making and properly closing each requested excavation in a public street, alley, sidewalk or right of way and shall charge such expenses to the person applying for the work. (1978 Code, § 12-204)

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).

16-205. Barricades and lights. When any excavation is made in any public street, alley, sidewalk or right of way, such barricades and warning lights shall be placed and maintained thereabout as will reasonably protect persons and property from injury or damage by or because of the opening. (1978 Code, § 12-205)

16-206. Driveway curb cuts. No one shall cut, build or maintain a driveway across a curb or sidewalk without first obtaining a permit from the municipality. 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. Driveway aprons shall not extend out into the street. (1978 Code, § 12-206)

CHAPTER 3

STREET NAMES AND PROPERTY NUMBERS

SECTION

- 16-301. Street names,
- 16-302. Assignment of street names.
- 16-303. Property numbering.
- 16-304. Assignment and posting of numbers.
- 16-305. System of property numbering.

16-301. Street names. (1) There is hereby established an official system of street names as shown on the map entitled The Street Name and Property Numbering Map of the Town of Linden, Tennessee, such map being dated 12-4-90, and placed of record in the office of the town recorder.

(2) The town recorder shall be responsible for the maintenance of the system of street names. He or she shall maintain a copy of the street name map and shall record thereon all changes made. (Ord. #90-1, Dec. 1990)

16-302. Assignment of street names. (1) Names of streets shall remain as shown on the street name map unless officially changed by resolution.

(2) No new streets shall be accepted by the town until such street or streets have been named. If they are extensions of existing streets the existing name(s) shall be continued. If not an extension, name(s) recorded may not duplicate or closely approximate street names already assigned. (Ord. #90-1, Dec. 1990)

16-303. Property numbering. (1) There is hereby established an official system of property numbering as shown on the map entitled The Street Name and Property Numbering Map of the Town of Linden, Tennessee, such map being dated 12-4-90, and placed of record in the office of the town recorder.

(2) All properties, buildings, lots, and parcels of land within the corporate limits of the town shall hereafter be identified by reference to the official system adopted herein. (Ord. #90-1, Dec. 1990)

16-304. Assignment and posting of numbers. (1) The town recorder shall be responsible for the maintenance of the system of property numbers. He or she shall maintain a copy of the above referenced map as well as an official Property Numbering Log and shall record therein all assigned property numbers.

(2) The town recorder shall be responsible to assign numbers to properties in accordance with the above referenced map.

(3) Numerals and letters indicating the official physical property number designation shall be posted at the entrance to the structure for which

the designated number has been assigned in such a manner as to provide an unobstructed sighting from the street on which said building is located. Such numerals and letters shall be no less than three (3) inches in height.

(4) No person, agency or business shall adopt, assign, display, or cite any number other than that assigned as provided herein for the purpose of physical property identification. (Ord. #90-1, Dec. 1990)

16-305. System of property numbering. (1) The numbering system starts with Mill Street and Main Street with numbers increasing as the distance from these divider streets increases.

(2) When possible, numbers are to be assigned to or reserved for each fifty (50) feet of distance. In some cases, where structures are constructed closer than fifty (50) feet, twenty five (25) foot distances may be used.

(3) Odd numbers are to be assigned to properties on the North and West sides of streets and even numbers assigned to properties on the East and South sides of streets.

(4) The structure shall be assigned the number of the fifty (50) foot interval in which the main entrance of the structure falls.

(5) A multiple family dwelling having only one main entrance shall be assigned only one number, and separate apartments in the building will carry a letter designation such as A, B C, in addition to the number assigned to the main entrance of the building. (Ord. #90-1, Dec. 1990)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1978 Code, § 8-201)

17-102. 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 stored as provided in this chapter. (1978 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall have two handles, be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than forty (40) gallons, except that this maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its

¹Municipal code reference

Property maintenance regulations: title 13.

contents shall not exceed fifty (50) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Steel drums and plastic barrels are prohibited from use as refuse containers. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1978 Code, § 8-203, as amended by Ord. #03-1-A, Feb. 2003)

17-104. Location of containers. Where alleys are used by the refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1978 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1978 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (1978 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1978 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1978 Code, § 8-208)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER SYSTEM ADMINISTRATION.
2. SEWER SYSTEM.
3. SUPPLEMENTARY SEWER REGULATIONS.
4. SEWAGE AND HUMAN EXCRETA DISPOSAL.
5. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
6. CUSTOMER BILLING AND SERVICE POLICY.

CHAPTER 1

WATER SYSTEM ADMINISTRATION

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Non-refundable connection fee.
- 18-106. Service charges for temporary service.
- 18-107. Tapping main and making connections.
- 18-108. Main extensions to developed areas.
- 18-109. Main extensions to other areas.
- 18-110. Water and sewer main extension variances.
- 18-111. Meters.
- 18-112. Meter tests.
- 18-113. Water rates.
- 18-114. Multiple services through a single meter.
- 18-115. Fire hydrants.
- 18-116. Re-connection charge.
- 18-117. Discontinuance or refusal of service.
- 18-118. Termination of service by customer.
- 18-119. Access to customers' premises.
- 18-120. Inspections.
- 18-121. Customer's responsibility for system's property.
- 18-122. Customer's responsibility for violations.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-123. Supply and resale of water.
- 18-124. Unauthorized use of or interference with water supply.
- 18-125. Limited use of unmetered private fire line.
- 18-126. Damages to property due to water pressure.
- 18-127. Liability for cutoff failures.
- 18-128. Restricted use of water.
- 18-129. Interruption of service.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1978 Code, § 13-101)

18-102. Definitions. (1) "Municipality" means the board of mayor and aldermen and its duly authorized officers and agents.

(2) "Person" includes firms and corporations as well as individuals.

(3) "Customer" means any person who receives water service from the municipality under either an express or implied contract requiring such person to pay the municipality for such service.

(4) "Household" means any two (2) or more persons living together as a family group.

(5) "Service line" shall consist of the pipe line extending from any water main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box.

(6) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is expressly required by an agreement approved by the municipality. The discount date is the last date upon which water bills can be paid at net rates.

(7) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(8) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one dwelling. (1978 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made with a duly appointed employee of the municipality and be fully approved before connection or meter installation orders will be issued and work performed. (1978 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing

a contract for water service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a non-refundable connection fee, shall not obligate the town to render the service for which applied. (1978 Code, § 13-104, as amended by Ord. #02-10-A, Nov. 2002)

18-105. Non-refundable connection fee. (1) Town residents. Each prospective water customer who owns property within the corporate limits on which they live shall pay a twenty-five (\$25.00) non-refundable connection fee and each prospective water customer who rents property within the corporate limits on which they live shall pay a fifty-dollar (\$50.00) non-refundable connection fee to secure water and sewer service to his or her residence.

(2) Non-residents. Each prospective water customer who lives outside of the corporate limits shall pay a fifty-dollar (\$50.00) non-refundable connection fee to secure water and sewer service to his or her residence,

(3) Commercial and industrial customers. Each prospective commercial and industrial water customer shall pay a non-refundable connection fee, to be set by the utility board, (board to be appointed by the mayor) based on number of employees, expected usage or history or usage. The customary non-refundable connection fee is based on two (2) months expected average billing. (1978 Code, § 13-105, as replaced by Ord. #95-8, Dec. 1995, and Ord. #02-10-A, Nov. 2002)

18-106. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1978 Code, § 13-106)

18-107. Tapping main and making connections. Service lines will be laid by the municipality from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the municipality.

Before a new service line will be laid by the municipality, the applicant shall make a deposit of the following amount with the municipality:

- (1) For a 3/4" or a 1" service line, the cost of which is not estimated to exceed the amount of the applicable deposit provided hereunder:
 - (a) In a dirt or a macadam street \$50.00
 - (b) In an oil macadam or other paved street \$60.00

(2) For a 3/4" or a 1" service line, the cost of which is estimated to exceed the amount of applicable deposit provided in paragraph (1) above, and for all service lines over 1" in diameter, the cost as estimated by the municipality.

This deposit shall be used to pay the cost of laying such a new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the municipality the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. Notwithstanding anything elsewhere herein provided, the municipality shall not be responsible for the maintenance and upkeep of any service line located within the property line of the customer, even though the meter and meter box are located within said property line. (1978 Code, § 13-107)

18-108. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the municipality. (1978 Code, § 13-108)

18-109. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable.

Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

All water mains installed pursuant to the provisions of this or the preceding section shall be of cement lined cast iron construction and shall be not less than six (6) inches in diameter, class 150 American Water Works Association standard. All such mains shall be constructed either by municipal forces or by other forces working directly under the supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water system and shall furnish water therefrom in accordance with these rules and regulations subject always to such limitations as may exist because of the size and elevation of said mains. As further consideration, the municipality shall repay to the person or persons who pay the cost of such water main extension, for a period of five years, but no longer, from the date of completion of said extension the sum of \$50.00 for each tap that is made to such main extension, provided, however, that the total payments shall in no event exceed the cost of the said extension to the person or persons who paid therefor. Provided also, that before making any such payment the municipality shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the municipality, but not to exceed three (3) years.

No repayment shall be made for service line connections not made directly to the water main extension in question, even though such service line connections are made to a main extended from, or receiving water through, the main extension in question. (1978 Code, § 13-109)

18-110. Water and sewer main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with the preceding two (2) sections, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the board.

The authority to make water main extensions pursuant to the preceding two (2) sections is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1978 Code, § 13-110)

18-111. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter

without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1978 Code, § 13-111)

18-112. Meter tests. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$10.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1978 Code, § 13-112)

18-113. Water rates. (1) All water furnished by the town shall be measured or estimated in gallons to the nearest multiple of one hundred (100) gallons.

A minimum charge of \$7.46 is hereby established for each water customer within the corporate limits of the town, and water charges or water rates to such customers within the corporate limits are as follows:

WATER RATES - INSIDE

First 2,000 gallons	\$7.46 Minimum
Next 3,000 gallons	2.42 per 1,000 gallons
Next 5,000 gallons	2.15 per 1,000 gallons
Next 15,000 gallons	2.10 per 1,000 gallons
Next 25,000 gallons	2.05 per 1,000 gallons
Next 50,000 gallons	2.00 per 1,000 gallons
All over 100,000 gallons	1.89 per 1,000 gallons

(2) A minimum charge of \$14.92 is hereby established for each water customer, exclusive of Mousetail Landing State Park, outside the corporate limits of the town, and water charges or rates to such customers outside the corporate limits are as follows:

WATER RATES - OUTSIDE

First 2,000 gallons	\$14.92 Minimum
Next 3,000 gallons	4.83 per 1,000 gallons
Next 5,000 gallons	4.31 per 1,000 gallons
Next 15,000 gallons	4.20 per 1,000 gallons
Next 25,000 gallons	4.10 per 1,000 gallons
Next 50,000 gallons	3.99 per 1,000 gallons
All over 100,000 gallons	3.78 per 1,000 gallons

(3) A minimum charge of \$500.00 is hereby established for water sold to Mousetail Landing State Park, and water charges or water rates for Mousetail Landing State Park are as follows:

WATER RATES - MOUSETAIL LANDING STATE PARK

First 139,000 gallons	\$500.00 Minimum
All over 139,000 gallons	2.70 per 1,000 gallons

(4) The sewer rates for all customers will be one hundred percent (100%) of the established water rates. (Ord. #88-2, _____, as amended by Ord. #02-3-A, April 2002)

18-114. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service

line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1978 Code, § 13-114)

18-115. Fire hydrants. There shall be a charge for fire hydrant rental in the amount of twenty-five dollars (\$25.00) per hydrant per year. (1978 Code, § 13-115)

18-116. Re-connection charge. Whenever service has been discontinued as provided for above, a reconnection charge of not less than an amount equal to five (5) times the minimum water bill shall be collected by the municipality before service is restored. (1978 Code, § 13-117)

18-117. Discontinuance or refusal of service. (1) The board shall have the right to discontinue or refuse to connect water service for nonpayment of a water or sewer bill or for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations.
- (b) The customer's application for service.
- (c) The customer's contract for service.

(2) In the event a water and/or sewer bill is not paid on or before the 15th day of the second (2nd) month after the delinquency date thereof, the water service may be discontinued without notice to the customer and not again resumed until all bills are paid. The municipality shall not be liable for damages for discontinuing service in accordance with this section even though payment of such bill is made on the same day either before or after service is actually discontinued.

(3) Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(4) Discontinuance of service by the municipality for any causes stated in these rules and regulations shall not release the customer from liability for

service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

(5) The municipality shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company or firm to which such service is to be furnished, is in default in the payment of any obligation to the municipality or has theretofore had his service discontinued because of a violation of these rules and regulations.

(6) If the municipality should for any reason begin to render service to an applicant to whom it has a good and valid reason for refusing to render such service, said municipality may discontinue such service at any time within one year after it is begun, even though the customer does nothing to justify the discontinuance of service during the time such service is being rendered. (1978 Code, § 13-116)

18-118. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1978 Code, § 13-118)

18-119. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the

municipality, and for inspecting customers' plumbing and premises generally in order to determine that these rules and regulations are being complied with. (1978 Code, § 13-119)

18-120. Inspections. The municipality shall have the right, but shall not be fixed by municipal ordinances regulating plumbing, etc., or obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any plumbing or other installation not in accordance with the standards not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1978 Code, § 13-120)

18-121. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1978 Code, § 13-121)

18-122. Customer's responsibility for violations. Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1978 Code, § 13-122)

18-123. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the municipality. (1978 Code, § 13-123)

18-124. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, fire plugs, or valves without permission or authority from the municipality. (1978 Code, § 13-124)

18-125. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall give the municipality a written notice of such occurrence as soon as possible. (1978 Code, § 13-125)

18-126. Damages to property due to water pressure. The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1978 Code, § 13-126)

18-127. Liability for cutoff failures. (1) The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(a) After receipt of at least ten (10) days' written notice to cut off water service, the municipality has failed to cut off such service.

(b) The municipality has attempted to cut off a service but such service has not been completely cut off.

(c) The municipality has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

(2) Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1978 Code, § 13-127)

18-128. Restricted use of water. In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1978 Code, § 13-128)

18-129. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1978 Code, § 13-129)

CHAPTER 2

SEWER SYSTEM¹

SECTION

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Connection fee and advance deposit required for permit.
- 18-204. Installation of lateral lines, etc.
- 18-205. Sewer service charges.
- 18-206. Disposition of sewer revenues.
- 18-207. Superintendent to manage.
- 18-208. Extension policies.

18-201. Use of system regulated. All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the board of mayor and aldermen. (1978 Code, § 13-201)

18-202. Permit and supervision required for connecting to system. No premises shall be connected to the public sanitary sewer system without a permit from the town recorder. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1978 Code, § 13-202)

18-203. Connection fee and advance deposit required for permit. No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the town recorder a sewer connection fee in an amount equal to the actual costs of running lines from the sewer to the property for all new services installed and in no event shall this fee be less than sixty dollars (\$60.00). In addition, the applicant shall be required to pay in advance a sum equal to the estimated monthly sewer service charge for such premises. (1978 Code, § 13-203)

19-204. Installation of lateral lines, etc. When connections to the public sanitary sewer system are required and/or permitted the municipality shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract

¹Municipal code reference
Plumbing code: title 12, chapter 2.

between the board of mayor and aldermen and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1978 Code, § 13-204)

18-205. Sewer service charges. Sewer service charges shall be collected from the person billed for water service to any premises connected to the public sanitary sewer system. The sewer service charge shall be 75% of the water service charge and shall be added to and combined with the water service charge. Both charges shall be collected as a unit and no municipal employee shall accept payment of one charge without the other. Either the water service or the sewer service, or both, may be discontinued in accordance with § 18-117 of this code. (1978 Code, § 13-205)

18-206. Disposition of sewer revenues. The revenues of the sanitary sewer system shall be used as authorized and directed by the sewer bond authorization act. (1978 Code, § 13-206)

18-207. Superintendent to manage. A superintendent of the sewer system appointed by and answerable to the board of mayor and aldermen shall manage the sanitary sewer system. All employees of the system shall be directly responsible to the superintendent. To supplement the provisions of this chapter the superintendent is authorized and directed to enforce such written rules and regulations as he may prescribe provided the board of mayor and aldermen approves them. (1978 Code, § 13-207)

18-208. Extension policies. In so far as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities except that where, in such provisions, a six inch cement lined cast iron line is specified for water purposes, an eight inch line of salt glazed vitrified clay or other construction approved by the board of mayor and aldermen shall be substituted for sewer purposes. (1978 Code, § 13-208)

CHAPTER 3**SUPPLEMENTARY SEWER REGULATIONS¹****SECTION**

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Use of the public sewers.
- 18-306. Protection from damage.
- 18-307. Powers and authority of inspectors.
- 18-308. Violations.

18-301. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

¹Municipal code reference

Building, utility and housing codes: title 12.

Cross connections: title 18, chapter 5.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

(17) "Shall" is mandatory; "may" is permissive.

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the superintendent of the sewage works and/or of water pollution control of the Town of Linden, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1978 Code, § 13-301)

18-302. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction, any sewage or other polluted

waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet (61 meters)¹ of the property line. (1978 Code, § 13-302)

18-303. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local county and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1978 Code, § 13-303)

18-304. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

- (2) There shall be two (2) classes of building sewer permits:
- (a) for residential and commercial service, and
 - (b) for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

¹The state health department's ordinance provides "one hundred (100) feet" but this is inconsistent with its other ordinance which is set forth in title 18, chapter 4. Therefore, this provision has been revised in this code in an attempt to reconcile the two recommended ordinances of the state health department.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (1978 Code, § 13-304)

18-305. Use of the public sewers. (1) Unpolluted water. No person shall discharge or cause to be discharged any stormwater, surface water, ground

water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.

(2) Prohibited uses. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer or private sewer connecting to the disposal plant:

(a) Any liquid or vapor having a temperature higher than 150° F.

(b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease or exceed a daily average of 25 PPM.

(c) Any grease, oil, or other substance that will become solid or viscous at temperatures between 32 degrees and 150 degrees Fahrenheit, including mineral oils from the viscosity range of kerosene or up.

(d) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas in sufficient quantity to endanger the sewage system.

(e) Any garbage that has not been properly shredded.

(f) Any wastes that contain insoluble solids in excess of 10,000 PPM or exceeds a daily average of 500 PPM or that contains a combination of soluble and insoluble material in excess of 20,000 PPM and must not contain any insoluble substance having a specific gravity greater than 2.65.

(g) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(h) Based upon a single-source flow of 100,000 gallons daily, any wastes containing in excess of 1.0 PPM of chromium, 5.0 PPM of iron, 0.5 PPM of copper, 0.1 PPM of cyanide, 150.0 PPM of chlorine demand, 0.2 PPM phenols, 0.5 PPM of nickel, 0.5 PPM of cadmium, or other metallic compounds sufficient to impair the operation of the sewage treatment processes.

(i) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having a twenty-four (24) hour average of less than 6.5 or higher than 8.5 or containing a toxic or poisonous substance in sufficient quantity to substantially injure or interfere with any sewage treatment process or constitute a hazard in the receiving waters of the sewage treatment plant. Free mineral acids must be neutralized at the source of entrance into the sewer.

(j) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(k) Any wastes containing any insoluble substance that will not pass a No. 8 standard sieve, or have a dimension greater than one-half (1/2) inch.

(l) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(3) Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a type and capacity approved by the superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(4) Interceptor maintenance. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(5) Preliminary treatment facilities. The admission into the public sewers of any waters or wastes having a five day biochemical oxygen demand greater than 300 parts per million by weight or suspended solids, or containing any quantity of substance having the characteristics described in subsection (2), or (3) having an average daily sewage flow of greater than two per cent (2%) of the average daily sewage flow of the Town of Linden, shall be subject to the review and approval of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

(a) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or

(b) reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection (2), or (3) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town of Linden or its duly authorized agent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(6) Maintenance of preliminary facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(7) Control manholes. When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(8) Measurements and tests. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in subsection (2) shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in subsection (7), or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(9) Agreements. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment subject to the payment by the industrial concern of the estimated cost of such treatment. (1978 Code, § 13-305)

18-306. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works or treatment plant. Any person violating this section shall be punished as provided in this code. (1978 Code, § 13-306)

18-307. Powers and authority of inspectors. The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of access to the control manhole (if any) for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing such entries shall be guilty of a violation of this code. (1978 Code, § 13-307)

18-308. Violations. (1) Notice to cease violation. Any person found to be violating any provisions of this chapter except § 18-306 shall be served by the Town of Linden with written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, take such corrective action as may be necessary.

(2) Continued violation. Any person who shall continue any violation beyond the time limit provided for in subsection (1) shall upon conviction thereof, be punished as prescribed in this code. Each day or fraction of a day in which such violation shall continue shall be deemed a separate offense. Any officer, agent, or employee guilty of aiding or abetting such violation, or, being responsible therefor, who refuses or neglects to take corrective action, shall be guilty as a principal.

(3) Civil liability. Any person violating any of the provisions of this chapter shall be liable to the Town of Linden for any expenses, loss, or damage occasioned to the Town of Linden by reason of such violation, and recovery therefor may be had in an appropriate action in any court of competent jurisdiction.

(4) Abatement in equity. Any continued violation, after due notice as provided in subsection (2) shall be deemed a public nuisance, and may be abated by suit in equity by the Town of Linden in any court of competent jurisdiction. This remedy shall be in addition to those heretofore provided for. (1978 Code, § 13-308)

CHAPTER 4

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-401. Definitions.
- 18-402. Places required to have sanitary disposal methods.
- 18-403. When a connection to the public sewer is required.
- 18-404. When a septic tank shall be used.
- 18-405. Registration and records of septic tank cleaners, etc.
- 18-406. Use of pit privy or other method of disposal.
- 18-407. Approval and permit required for septic tanks, privies, etc.
- 18-408. Owner to provide disposal facilities.
- 18-409. Occupant to maintain disposal facilities.
- 18-410. Only specified methods of disposal to be used.
- 18-411. Discharge into watercourses restricted.
- 18-412. Pollution of ground water prohibited.
- 18-413. Enforcement of chapter.
- 18-414. Carnivals, circuses, etc.
- 18-415. Violations.

18-401. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excreta." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "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

¹Municipal code reference

Plumbing code: title 12, chapter 2.

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.

(6) "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.

(7) "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.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1978 Code, § 8-301)

18-402. 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. (1978 Code, § 8-302)

18-403. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1978 Code, § 8-303)

18-404. 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. (1978 Code, § 8-304)

18-405. 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. (1978 Code, § 8-305)

18-406. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1978 Code, § 8-306)

18-407. 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. (1978 Code, § 8-307)

18-408. 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 § 18-402, or the agent of the owner to provide such facilities. (1978 Code, § 8-308)

18-409. 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. (1978 Code, § 8-309)

18-410. 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. (1978 Code, § 8-310)

18-411. 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. (1978 Code, § 8-311)

18-412. 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. (1978 Code, § 8-312)

18-413. 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, but such person shall be allowed the number of days herein provided within which to make permanent correction. (1978 Code, § 8-313)

18-414. 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. (1978 Code, § 8-314)

18-415. 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. (1978 Code, § 8-315)

CHAPTER 5**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹****SECTION**

- 18-501. Definitions.
- 18-502. Standards.
- 18-503. Construction, operation, and supervision.
- 18-504. Statement required.
- 18-505. Inspections required.
- 18-506. Right of entry for inspections.
- 18-507. Correction of existing violations.
- 18-508. Use of protective devices.
- 18-509. Unpotable water to be labeled.
- 18-510. Violations.

18-501. 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 Linden for general use and which is recognized as the public water system by the Tennessee Department of Health and Environment.

(2) "Cross-connection." Any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross-connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Inter-connection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency. (Ord. #87-1, ____)

18-502. Standards. The Town of Linden Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #87-1, ____)

18-503. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made; or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the Utilities Manager of the Town of Linden Public Water System. (Ord. #87-1, ____)

18-504. 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 unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the utilities manager a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. #87-1, ____)

18-505. Inspections required. It shall be the duty of the utilities manager of the public water system to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be established by the Utilities Manager of the Town of Linden Public Water System and as approved by the Tennessee Department of Health and Environment. (Ord. #87-1, ____)

18-506. Right of entry for inspections. The utilities manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Town of Linden Public Water System for the purpose of inspecting the piping system or systems therein for

cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (Ord. #87-1, _____)

18-507. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Utilities Manager of the Town of Linden Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Town of Linden Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (Ord. #87-1, _____)

18-508. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Utility Manager of the Town of Linden Public Water System, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Utilities Manager of the Town of Linden Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Town of Linden Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the utilities manager or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the utilities manager shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Utilities Manager of the Town of Linden Public Water System.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, by-passing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Town of Linden Public Water System. (Ord. #87-1, _____)

18-509. Unpotable water to be labeled. The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #87-1, _____)

18-510. Violations. The requirements contained herein shall apply to all premises served by the Town of Linden Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Town of Linden corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #87-1, _____, as amended by Ord. #00-12-A, Jan. 2001)

CHAPTER 6**CUSTOMER BILLING AND SERVICE POLICY****SECTION**

18-601. Customer billing and payment policy.

18-602. Termination or refusal of service.

18-601. Customer billing and payment policy. Water, sewer and gas bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than 15 days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed 10% for any portion of the bill paid after the net payment period.

Payment must be received in the water, sewer and gas department no later than 4:00 P.M. on the due date. If the due date falls on Saturday, Sunday or a holiday, net payment will be accepted on the next business day no later than 4:00 P.M.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (Ord. #95-3, § 1, Sept. 1995)

18-602. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue water, sewer and gas service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customers application for service.
- (c) The customers contract for service.

The right to discontinue service shall apply to all water, sewer and gas services received through collective single connections or services, even though more than 1 customer is furnished services.

(2) Termination of service. (a) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination.

(b) Termination will be made on Monday - Thursday only from 7:00 AM until 12:00 Noon.

(c) Service termination for any reason shall be reconnected only after payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water, sewer

and gas department, plus the payment of a reconnection charge of \$30.00. Reconnection services will be performed from 7:00 A.M. - 4:00 P.M., Monday thru Friday. (Ord. #95-3, § 2, Sept. 1995)

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 town recorder.

CHAPTER 2

GAS¹

SECTION

- 19-201. Obtaining service.
- 19-202. Meter deposit.
- 19-203. Installation and ownership of, and access to facilities.
- 19-204. Extension policy.
- 19-205. Rates.
- 19-206. Meter tests.
- 19-207. Interruptions in service.
- 19-208. Discontinuance of service.

19-201. Obtaining service. Each prospective customer desiring gas service will be required to sign the town's standard form of contract before service is supplied. However, the use of gas service by a customer shall impliedly bind the customer by the terms of the applicable standard contract form even though not actually signed.

As a condition precedent to the rendition of any service, the furnishing of which requires investment by the town, the recorder shall require the applicant for service to sign a minimum bill contract in such amount and for such a period of time as is reasonably necessary to support the investment.

If, for any reason, applicant, after signing the contract for gas service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the town for any expense incurred by reason of its endeavor to furnish the service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a non-refundable connection fee, shall not obligate the town to render the service for which applied. (1978 Code, § 13-501, as amended by Ord. #02-10-A, Nov. 2002)

19-202. Meter deposit. Each prospective customer who owns the property on which he or she lives shall pay a fifty-dollar (\$50.00) non-refundable connection fee and each prospective customer who rents the property on which he or she lives shall pay a one hundred-dollar (\$100.00) non-refundable connection fee at the time he or she applies for service for the residence.

Each prospective commercial and industrial gas customer shall pay a non-refundable connection fee, to be set by the utility board, (board to be appointed

¹Municipal code reference

Gas code: title 12.

Customer billing and service policy: title 18, chapter 6.

by the mayor) based on number of employees, expected usage or history of usage. The customary non-refundable connection fee is based on two (2) months expected average billing. (1978 Code, § 13-502, as amended by Ord. #95-8, Dec. 1995, and replaced by Ord. #02-10-A, Nov. 2002)

19-203. Installation and ownership of, and access to facilities. The town shall install and own all gas service mains, meters, and service lines on the street side of the meter. The customer shall own and install in accordance with the requirements of the town's gas code, or pay the town for installing, all gas service lines on the customer's side of the meter. Authorized representatives of the town shall have access at all reasonable times to all gas meters and lines etc., which may be located on customers' premises. (1978 Code, § 13-503)

19-204. Extension policy. An extension of gas service mains will be made to any person with the town bearing all the costs thereof provided the board of mayor and aldermen is satisfied that the investment for such extension will earn a fair and adequate return. However, if the board of mayor and aldermen decides that an extension will not show a fair and adequate return, the town may require the applicant for such service to pay all or a part of the costs of such extension. When the customer makes an extension he shall be required to convey all his rights, title, and interest in the same to the town before gas shall be supplied thereto. However, thereafter, such extension shall be maintained by the town without additional costs to the customer. (1978 Code, § 13-504)

19-205. Rates. (1) All natural gas furnished by the town shall be supplied at the following rates:

(a) Residential & Small Commercial (All Amounts in Cu. Ft.)

From-Amt	To-Amt	Flat-Rate	Mult-Rate
0	985	\$ 6.61	\$.00000
985	2000	6.61	.00670
2000	4000	13.41	.00656
4000	7000	26.53	.00614
7000	10000	44.95	.00599
10000	999999999	62.92	.00579

Minimum monthly charge - \$6.61
 Reconnection service charge - \$30.00

(b) Medium Commercial

From-Amt	To-Amt	Flat-Rate	Mult-Rate
0	6739	36.70	.00000
6739	10000	36.70	.00609
10000	30000	56.55	.00581
30000	99999999	172.75	.00567

Minimum monthly charge - \$36.70

Reconnection service charge - \$180.00

(c) Large Commercial

From-Amt	To-Amt	Flat-Rate	Mult-Rate
0	17869	91.00	.00000
17869	30000	91.00	.00581
30000	70000	161.48	.00567
70000	100000	324.98	.00545
100000	99999999	551.78	.00539

Minimum monthly charge - \$91.00

Reconnection service charge - \$450.00

(2) The above rates are based on our current cost of operation which includes salaries, cost of purchased gas, debt service, depreciation, and materials necessary for the efficient operation of the Natural Gas System.

In the event these costs increase or decrease, such increase or decrease will immediately and automatically be passed on in its entirety to the customers of the Linden Natural Gas System without it being necessary for the board of mayor and aldermen to amend this section.

(3) A ten per cent (10%) penalty will be added to all bills if not paid by the 15th of the month following date of issue of bill. (Ord. #91-2, ____)

19-206. Meter tests. The town will, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy. The town will make additional tests or inspections of its meters at the request of the customer. If such tests show that the meter is accurate within two per cent (2%), slow or fast, no adjustments will be made in the customer's bill and the testing charge of ten dollars (\$10.00) per meter shall be paid by the customer. In case the test shows the meter to be in excess of two per cent (2%), fast or slow, an adjustment will be made in the customer's bill for an appropriate and equitable period not over one hundred and eighty (180) days prior to the date of such test, and the cost of making test shall be borne by the town. (1978 Code, § 13-506)

19-207. Interruptions in service. The town will endeavor to furnish continuous gas service, and to maintain reasonably constant pressure, but the town cannot and does not guarantee to the consumer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption or disturbance of service whatsoever.

In connection with the operation, maintenance, repair and extension of the town's gas system, the gas supply may be shut off without notice, when necessary or desirable; and each customer must be prepared for such emergencies. The town shall not be held liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1978 Code, § 13-507)

19-208. Discontinuance of service. The recorder shall have the right to discontinue gas service to any customer who is in default in the payment of any obligation due the town for gas service. (1978 Code, § 13-508)

TITLE 20

MISCELLANEOUS

CHAPTER

1. TELEPHONE SERVICE.
2. CIVIL DEFENSE ORGANIZATION.

CHAPTER 1

TELEPHONE SERVICE

SECTION

20-101. To be furnished by Tennessee Telephone Company, Inc.

20-101. To be furnished by Tennessee Telephone Company, Inc. Telephone service shall be provided to the Town of Linden and its inhabitants by the Tennessee Telephone Company, Inc. The rights, powers, duties, and obligations of the Town of Linden and its inhabitants, are stated in the agreements between the parties.¹ (Ord. #84-1, _____, modified)

¹The agreements are of record in the office of the recorder.

CHAPTER 2

CIVIL DEFENSE ORGANIZATION¹

SECTION

- 20-201. Organization created.
- 20-202. Authority and responsibilities.
- 20-203. Office of director, his authority and responsibility.
- 20-204. Civil defense corps created.
- 20-205. No municipal or private liability.
- 20-206. Expenses of civil defense.

20-201. Organization created. There is hereby created the Town of Linden Civil Defense Organization which shall be an operation by the Town of Linden for the purpose of organizing and directing civil defense for the citizens of the entire town. All other civil defense agencies within the corporate limits of Linden shall be considered as a total part of the town-wide civil defense emergency resources and when such agencies operate out of its corporate limits it shall be at the direction of, subordinate to, and as a part of the Town of Linden Civil Defense. (1978 Code, § 1-901)

20-202. Authority and responsibilities. (1) Authority. In accordance with federal and state enactments of law, the Town of Linden Civil Defense Organization is hereby authorized to assist the regular government of the town and the governments of all political subdivisions therein, as may be necessary due to enemy caused emergencies or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, droughts, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Linden. The Town of Linden Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The Town of Linden Civil Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) Responsibilities. The Town of Linden Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in the Town of Linden, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1978 Code, § 1-902)

¹State law reference

Tennessee Code Annotated, title 58, chapter 2.

20-203. Office of director, his authority and responsibility.

(1) Primary authority. (a) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor or by higher authority as appropriate.

(b) The director shall have overall responsibility for the preparation of all plans and for recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state CD office.

(c) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter subject to the approval of the chief executive officer of the town.

(2) Responsibility of the director. The director shall be responsible to the chief executive officer of the town for the execution of the authorities, duties, and responsibilities of the Town of Linden Civil Defense Organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1978 Code, § 1-903)

20-204. Civil defense corps created. The Town of Linden Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1978 Code, § 1-904)

20-205. No municipal or private liability. The duties prescribed in this chapter is an exercise by the town of its governmental functions for the protection of the public peace, health and safety and neither the Town of Linden, the agents and representatives of said town, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to any person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of, or damage to, the property of such person. (1978 Code, § 1-905)

20-206. Expenses of civil defense. No person shall have the right to expend any public funds of the town in carrying out any civil defense activities

authorized by this chapter without prior approval by the governing body of the town; nor shall any person have any right to bind the town by contract, agreement, or otherwise without prior and specific approval by the governing body of the town. The civil defense director shall disburse such monies as may be provided annually by appropriation of the town for the operation of the civil defense organization. Control of disbursements will be as prescribed by agreement between the director and the treasurer of the town. The director shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the town. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by the Town of Linden. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the town. (1978 Code, § 1-906)

ORDINANCE NO. 02-5-A**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF LINDEN TENNESSEE.**

WHEREAS some of the ordinances of the Town of Linden 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 Mayor and Aldermen of the Town of Linden, 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 "Linden Municipal Code," now, therefore:

BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF LINDEN, 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 "Linden 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 one hundred dollars (\$100.00) 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 civil penalty is

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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. (as amended by Ord. #00-12-A, Jan. 2001)

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 mayor and aldermen, 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, 5-7, 192002

Passed 2nd reading, 6-4, 192002

Mayor

Gail Moore
Recorder