

**THE  
LOBELVILLE  
MUNICIPAL  
CODE**

Prepared by the



**Municipal Technical Advisory Service**

*In cooperation with the Tennessee Municipal League*

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**CITY OF LOBELVILLE MUNICIPAL CODE**

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## PREFACE

The Lobelville Municipal Code contains the codification and revision of the ordinances of the City of Lobelville, 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 § 2-106.

By utilizing the table of contents, code index 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 city's ordinance book or the recorder for a comprehensive and up to date review of the city's ordinances.

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the city'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 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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 the codes team: Kelley Myers and Nancy Gibson is gratefully acknowledged.

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

1. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted in one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)
  
2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

**CHAPTER 1**

**BOARD OF MAYOR AND ALDERMEN<sup>2</sup>**

**SECTION**

- 1-101. Time and place of regular meetings.

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<sup>1</sup>Charter references

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

Municipal code references

Fire department: title 7.  
Utilities: titles 18 and 19.  
Wastewater treatment: title 18.

<sup>2</sup>Charter references

For charter provisions related to the board of mayor and aldermen, see *Tennessee Code Annotated*, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

City administrator: § 6-4-101.  
Compensation: § 6-3-109.  
Duties of mayor: § 6-3-106.  
Election of the board: § 6-3-101.  
Oath: § 6-3-105.  
Ordinance procedure  
    Publication: § 6-2-101.  
    Readings: § 6-2-102.  
Residence requirements: § 6-3-103.  
Vacancies in office: § 6-3-107.  
Vice-mayor: § 6-3-107.

- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Terms of office of mayor and aldermen.
- 1-105. Elections of mayor and aldermen.
- 1-106. Disruption of meetings.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular meetings at 5:00 P.M., prevailing Central Time, on the first Tuesday night of each month at the city hall building in Lobelville, Tennessee. Sufficient notification will be given should the meeting date and/or time need to be changed. (1996 Code, § 1-101, modified)

**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 members present:

- (1) Call to order by the mayor;
- (2) Roll call by the recorder;
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction;
- (4) Grievances from citizens;
- (5) Communications from the mayor;
- (6) Reports from committees, aldermen, and other officers;
- (7) Old business;
- (8) New business; and
- (9) Adjournment. (1996 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. (1996 Code, § 1-103)

**1-104. Terms of office of mayor and aldermen.** The terms of office of the Mayor and Aldermen of the City of Lobelville shall be for four (4) years. A term shall commence with the taking of the oath of office at the next regularly scheduled meeting of the board of mayor and aldermen occurring after an election. (1996 Code, § 1-104)

**1-105. Elections of mayor and aldermen.** (1) Regular elections for the election of the mayor and aldermen for the City of Lobelville shall be held during lawful hours on the first Saturday in December of each odd numbered year in accordance with the general election laws of the State of Tennessee.

(2) The commissioners of election of Perry County, Tennessee are permanently directed to call and hold such elections among the qualified voters

of the city at such appointed times. Upon the calling, holding and canvassing of the results of such elections, the commissioners of election shall certify the results thereof to the board of mayor and aldermen as provided by law. There shall be paid from the general funds of the city from time to time such amounts as shall be necessary and required by law to be paid to defray the costs of calling and holding such municipal elections.

(3) Two (2) aldermen shall be elected every two (2) years for four (4) year terms and the mayor shall be elected every four (4) years for a four (4) year term.

(4) For the transition in the election of the mayor and aldermen in order to establish staggered terms as herein provided there shall be elected at the regular election to be held in December 1989 a mayor for a four (4) year term and two (2) aldermen each for two (2) year terms and two (2) aldermen each for four (4) year terms. The two (2) persons standing for election as aldermen who shall receive the highest number of votes at such regular election shall be declared elected for four (4) year terms and whose successors shall be regularly elected in December 1993. The two (2) persons receiving the next highest number of votes shall be declared to be elected for two (2) year terms and whose successors shall be elected for full four (4) year terms at the regular election in December 1991.

(5) (a) The terms of office of the two (2) aldermen elected in December, 2003, shall be extended from the first Saturday in December, 2007 until the first Thursday in August, 2008 to correspond with the county general election date. This will result in an increase of approximately nine (9) months and seven days in the terms of the aldermen elected in December, 2003.

(b) The terms of office of the two aldermen and the mayor elected in December 2005, shall be extended from the first Saturday in December, 2009 until the first Thursday in August, 2010 to correspond with the county general election date. This will result in an increase of approximately nine (9) months and seven days in the terms of the aldermen and mayor elected in December, 2005.

(6) (a) The aldermen to be elected in the August 2008 county general election and every four (4) years thereafter, shall be elected for a four (4) year term of office.

(b) The aldermen and mayor to be elected in the August 2010 county general election and every four (4) years thereafter, shall be elected for a four (4) year term of office. (1996 Code, § 1-105, as amended by Ord. #07-03, June 2007)

**1-106. Disruption of meetings.** No person shall by his or her words, actions, gestures, deeds or other manifested conduct, while in the presence of a duly assembled meeting of the Board of Mayor and Aldermen of the City of Lobelville, Tennessee act in a disorderly manner or treat with contempt such



meeting or those conducting the same, whereby such words, actions, gestures, deeds or other manifested conduct obstructs or impedes the conduct of business before such meeting. Any person violating the provisions hereof shall be fined fifty dollars (\$50.00). (1996 Code, § 1-106)

**CHAPTER 2****MAYOR<sup>1</sup>****SECTION**

1-201. Generally supervises municipality's affairs.

1-202. Executes municipality's contracts.

**1-201. Generally supervises municipality's affairs.** The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1996 Code, § 1-201)

**1-202. Executes municipality's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1996 Code, § 1-202)

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<sup>1</sup>Charter references

For charter provisions related to the mayor, see *Tennessee Code Annotated*, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

**CHAPTER 3****RECORDER<sup>1</sup>****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

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

**1-301. To be bonded.** The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the governing body. (1996 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1996 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the governing body and for the municipality which are not assigned by the charter, this code, or the governing body to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1996 Code, § 1-303)

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<sup>1</sup>Charter references

City recorder: §§ 6-4-201, *et seq.*

Recorder as judge: § 6-4-301(b)(1)(C).

Recorder as treasurer: § 6-4-401(c).

## CHAPTER 4

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations and penalty.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the City of Lobelville. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "City" or "City of Lobelville" includes these separate entities. (Ord. #06-04, Nov. 2006)

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<sup>1</sup>State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the *Tennessee Code Annotated* (T.C.A.) sections indicated:

Campaign finance - T.C.A. title 2, chapter 10.

Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements - T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 2-10-124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.

Ouster law - T.C.A. § 8-47-101 and the following sections.

**1-402. Definition of "personal interest."** (1) For purposes of §§ 4-103 and 4-104, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests;

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" includes a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #06-04, Nov. 2006)

**1-403. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (Ord. #06-04, Nov. 2006)

**1-404. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #06-04, Nov. 2006)

**1-405. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

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<sup>1</sup>Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #06-04, Nov. 2006)

**1-406. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #06-04, Nov. 2006)

**1-407. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of commissioners to be in the best interests of the city. (Ord. #06-04, Nov. 2006)

**1-408. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (Ord. #06-04, Nov. 2006)

**1-409. Outside employment.** A full-time employee of the city may not accept any outside employment without written authorization from the department head. (Ord. #06-04, Nov. 2006)

**1-410. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may

undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the board of mayor and aldermen to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city's board of mayor and aldermen, the board of mayor and aldermen shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the board determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the board of mayor and aldermen.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #06-04, Nov. 2006)

**1-411. Violations and penalty.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #06-04, Nov. 2006)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

**[RESERVED FOR FUTURE USE]**



**TITLE 3**

**MUNICIPAL COURT<sup>1</sup>**

**CHAPTER**

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

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

3-101. City judge.

**3-101. City judge.** The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1996 Code, § 3-101)

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<sup>1</sup>Charter references

City judge–city court: § 6-4-301.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

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

**3-201. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before the city court. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; and all other information that may be relevant. (1996 Code, § 3-201, modified)

**3-202. Imposition of fines, penalties, and costs.** All fines, penalties and costs shall be imposed and recorded by the city clerk on the city court docket in open court. (1996 Code, § 3-202, modified)

**3-203. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1996 Code, § 3-203)

## CHAPTER 3

### WARRANTS, SUMMONSES, AND SUBPOENAS

#### SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

**3-301. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, 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. (1996 Code, § 3-302, modified)

**3-302. Issuance of subpoenas.** The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1996 Code, § 3-303)

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

**3-401. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1996 Code, § 3-402)

**3-402. Bond amounts, conditions, and forms.** 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 or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1996 Code, § 3-403, modified)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 27-5-101.

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

1. PERSONNEL SYSTEM.
2. ON-CALL POLICY.

#### CHAPTER 1

### PERSONNEL SYSTEM

#### SECTION

- 4-101. Purpose of a personnel system.
- 4-102. Coverage.
- 4-103. Administration of the personnel system.
- 4-104. Personnel rules and regulations.
- 4-105. Personnel records.
- 4-106. Right to contract for special services.
- 4-107. Discrimination.
- 4-108. Amendments.

**4-101. Purpose of a personnel system.** The purpose of this chapter is to establish a system of personnel administration in the City of Lobelville that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapping condition. (1996 Code, § 4-201)

**4-102. Coverage.** All employees of the municipal government are divided into two (2) classes, officers and employees. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service.

All offices and positions of the municipal government placed in the exempt service are as follows:

- (1) All elected officials;
- (2) Members of appointed boards and commissions;
- (3) Consultants, advisers, and legal counsel rendering temporary professional service;
- (4) City attorney;
- (5) Independent contractors;
- (6) Persons employed by the municipality for not more than six (6) months during a fiscal year;

(7) Part-time employees paid by the hour of the day, and not considered regular; and

(8) Volunteer personnel appointed without compensation.

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the city charter. (1996 Code, § 4-202)

**4-103. Administration of the personnel system.** The personnel system shall be administered by the city recorder, who shall have the following duties and responsibilities:

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration;

(2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth in this chapter, the city charter and the municipal code;

(3) Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the city charter and code, and subject to the approval of the board of mayor and aldermen and budget limitations;

(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health;

(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data;

(6) Make periodic reports to the board of mayor and aldermen regarding the administration of the personnel system;

(7) Recommend to the board of mayor and aldermen a position classification plan, and install and maintain such a plan upon approval by the board of mayor and aldermen;

(8) Prepare and recommend to the board of mayor and aldermen a pay plan for all municipal government employees;

(9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government;

(10) Be responsible for certification of payrolls; and

(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the board of mayor and aldermen. (1996 Code, § 4-203)

**4-104. Personnel rules and regulations.** The city recorder shall develop rules and regulations, in the form of an employee's handbook, necessary for the effective administration of the personnel system. The board of mayor

and alderman shall adopt the rules presented to them by the city recorder. If the board of mayor and aldermen has taken no action within ninety (90) days after receipt of the draft personnel rules and regulations, they shall become effective as if they had been adopted, and shall have the full force and effect of law. Amendments to the rules and regulations shall be made in accordance with the procedure below. (1996 Code, § 4-204)

**4-105. Personnel records.** The city recorder shall maintain adequate records of the employment record of every employee as specified herein. (1996 Code, § 4-205)

**4-106. Right to contract for special services.** The board of mayor and alderman may direct the city recorder to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (1996 Code, § 4-206)

**4-107. Discrimination.** No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (1996 Code, § 4-207)

**4-108. Amendments.** Amendments or revisions of these rules may be recommended for adoption by the city recorder. Such amendments or revisions of these rules shall become effective after public hearing and approval by the board of mayor and aldermen. (1996 Code, § 4-208)

## CHAPTER 2

### ON-CALL POLICY

#### SECTION

4-201. Purpose; availability.

4-202. Definition.

4-203. Work time; option.

4-204. Call-outs.

4-205. Failure to respond.

**4-201. Purpose; availability.** Employee on-call service is necessary for the proper maintenance and functioning of local government services. It is the duty and responsibility of each on-call employee to be available by electronic communication at all times. Employees must be able to respond to an emergency call within thirty (30) minutes after receiving notice. The mayor/city recorder or supervisor will be responsible for determining which employees are designated for on-call. (Ord. #15-01, May 2015)

**4-202. Definition.** On-call time is defined as non-duty hours when an employee is required to remain in telephone or other electronic contact in order to respond to emergency calls. An employee on-call is not restricted to his home, duty station, or any other location, but must be in electronic or telephone contact in order to respond to emergencies. All on-call schedules will be distributed at least one month in advance. Employees will be on-call from 7:00 A.M. on Monday to 7:00 A.M. the following Monday. (Ord. #15-01, May 2015)

**4-203. Work time; option.** An employee that is on-call will receive eight (8) hours of work time. The employee will be given an option at the end of his on-call week to cash out at regular pay or select a date to take off that is within two weeks of his on-call week and has been approved by the public works supervisor. The option to cash out or day off with date will have to be selected and turned in on his time sheet. (Ord. #15-01, May 2015)

**4-204. Call-outs.** When an on-call employee is called out the first time during their on-call week, he will receive two (2) hours of minimum pay (at regular time). Subsequent call-outs during the week will be paid for actual time worked (overtime pay will be awarded according to FLSA provisions). Additional personnel called in by the on-call person and authorized by the supervisor or lead person shall be paid at two (2) hours' minimum pay and will be paid overtime in accordance with the FLSA. (Ord. #15-01, May 2015)

**4-205. Failure to respond.** An employee on-call who fails to respond to an emergency call within thirty (30) minutes will be subject to disciplinary



action up to and including discharge. An employee called in by the on-call person who fails to respond may be subject to disciplinary action. (Ord. #15-01, May 2015)

**TITLE 5****MUNICIPAL FINANCE AND TAXATION<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PROPERTY TAXES.
3. PRIVILEGE TAXES.

**CHAPTER 1****MISCELLANEOUS****SECTION**

- 5-101. Official depository for city funds.
- 5-102. Debt management policy.
- 5-103. Bidding.

**5-101. Official depository for city funds.** The Bank of Perry County is hereby designated as the official depository for funds of the City of Lobelville. (1996 Code, § 5-101)

**5-102. Debt management policy.** A new debt management policy, entitled "Debt Management Policy; City of Lobelville, Tennessee,"<sup>2</sup> and dated March, 2016, is hereby ratified by the board of mayor and aldermen. It is the specific intent of this policy to increase the city's debt limit to one million five hundred thousand dollars (\$1,500,000.00). (Ord. #16-01, April 2016)

**5-103. Bidding.** Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of ten thousand dollars (\$10,000.00), except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983. (Ord. #06-03, Oct. 2006)

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<sup>1</sup>Charter references

For specific charter provisions on depositories of municipal funds, see *Tennessee Code Annotated*, § 6-4-402.

<sup>2</sup>The Debt Management Policy, and all amendments thereto, may be found in the office of the recorder.

## CHAPTER 2

### PROPERTY TAXES

#### SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

**5-201. When due and payable.**<sup>1</sup> Taxes levied by the municipality against property shall become due and payable annually, to the City of Lobelville, on the first Monday of October of the year for which levied. (1996 Code, § 5-201, modified)

**5-202. When delinquent--penalty and interest.**<sup>2</sup> All property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.<sup>3</sup> (1996 Code, § 5-202)

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<sup>1</sup>State law references

*Tennessee Code Annotated*, §§ 67-1-701, 67-1-702, and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the county trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

<sup>2</sup>Charter 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 one half of one percent (0.5%) and interest of one percent (1%) shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

<sup>3</sup>Charter and state law references

A municipality has the option of collecting delinquent property taxes any one (1) of three (3) ways:

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

**CHAPTER 3****PRIVILEGE TAXES****SECTION**

5-301. Tax levied.

5-302. License required.

**5-301. 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 municipality at the rates and in the manner prescribed by the act. (1996 Code, § 5-301)

**5-302. License required.** No person shall exercise any such privilege within the municipality without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1996 Code, § 5-302)

**TITLE 6****LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST<sup>1</sup>****SECTION**

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

**6-101. Police officers subject to chief's orders.** All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1996 Code, § 6-101)

**6-102. Police officers to preserve law and order, etc.** Police officers shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1996 Code, § 6-102)

**6-103. Police officers to wear uniforms and be armed.** All police officers shall wear such uniform and badge as the governing body 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. (1996 Code, § 6-103)

**6-104. When police officers to make arrests<sup>1</sup>.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

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<sup>1</sup>Municipal code reference

Emergency assistance regulations: title 20, chapter 1.

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; or
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1996 Code, § 6-104)

**6-105. Police officers may require assistance.** It shall be unlawful for any person willfully to refuse to aid a police officer in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the police officer and is reasonably necessary. (1996 Code, § 6-105)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested he shall be brought before the court for immediate trial or allowed to post bond. When the judge is not immediately available or the alleged offender does not post the required bond, he shall be confined. (1996 Code, § 6-106, modified)

**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 police officers; and
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1996 Code, § 6-107)

**TITLE 7****FIRE PROTECTION AND FIREWORKS**<sup>1</sup>**CHAPTER**

1. VOLUNTEER FIRE DEPARTMENT.
2. FIREWORKS.

**CHAPTER 1****VOLUNTEER FIRE DEPARTMENT****SECTION**

- 7-101. Organization, membership.
- 7-102. Funding.
- 7-103. Objectives.
- 7-104. Responsibilities of fire chief.
- 7-105. Fire service outside city limits.

**7-101. Organization and membership.** There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of mayor and aldermen. Any funds raised by the volunteer fire department as a whole, or by any individual or group in the name of the volunteer fire department, and any gifts to the volunteer fire department, shall be turned over to, and become the property of, the city, and the city shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen, and such number of subordinate officers and firemen as the fire chief shall appoint. The volunteer fire department shall consist of no more than twenty-five (25) volunteers, including the fire chief and all officers. (Ord. #17-01, May 2017)

**7-102. Funding.** The board of mayor and aldermen shall provide for the operations of the volunteer fire department in its annual budget. Any funds raised by the fire department, or by any individual or group of volunteer firemen, may be accepted by the board of mayor and aldermen and may be used for purposes designated by the respective contributors. All equipment,

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.

Emergency assistance regulations: title 20, chapter 1.

materials, supplies, etc. purchased with contributed funds shall become the property of the City of Lobelville. The board of mayor and aldermen may reject any gift or contribution it deems not to be in the best interest of the City of Lobelville. (Ord. #17-01, May 2017)

**7-103. 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.
- (7) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable.
- (8) To provide code enforcement and building inspection services.
- (9) To serve as the emergency management agency of the city.
- (10) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.
- (11) To work with the water department to insure that adequate water supplies for fire protection are available.
- (12) To provide public fire education materials and information to the citizens in order that they may protect themselves from harm. (Ord. #17-01, May 2017)

**7-104. Responsibilities of fire chief.** (1) The chief of the City of Lobelville Volunteer Fire Department shall set up the organization of the department, make work assignments to individuals, based on input, suggestions and recommendations from the members of the volunteer fire department, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. under the direction of the board of mayor and aldermen.

(2) The chief of the City of Lobelville Volunteer Fire Department shall prepare the annual departmental budget to be approved by the board of mayor and aldermen, keep adequate records of all fires. inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports to the mayor as the mayor requires. The mayor shall submit such written reports to the board of mayor and aldermen as the board of mayor and aldermen requires.

(3) The chief of the City of Lobelville Volunteer Fire Department shall have the authority to suspend or dismiss 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 for up to thirty (30) days by the mayor. However, only the board of mayor and aldermen shall dismiss the fire chief.

(4) 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, under the direction and subject to the requirements of the board of mayor and aldermen. Each volunteer firefighter and/or officer shall receive no less than forty (40) hours of in-service firefighter training annually, after an initial training period consisting of no less than sixteen hours of basic firefighter training during the first ninety (90) days of his/her membership in the volunteer fire department.

(5) Pursuant to requirements of *Tennessee Code Annotated*, § 68-17-108, the volunteer fire chief 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 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (Ord. #17-01, May 2017)

**7-105. Fire service outside city limits.** Personnel and/or equipment of the City of Lobelville Volunteer Fire Department may be used for fighting any fire outside the city limits if:

(1) In the opinion of the fire chief, the fire is in such hazardous proximity to property owned or located within the city as to endanger the city property;

(2) The board of mayor and aldermen has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of

(a) The Local Government Emergency Assistance Act of 1987, as amended, codified in *Tennessee Code Annotated*, § 58-21-601 *et seq.*,

(b) *Tennessee Code Annotated*, § 12-9-101 *et seq.* or

(c) *Tennessee Code Annotated*, § 6-54-601. (Ord. #17-01, May 2017)

## CHAPTER 2

### FIREWORKS

#### SECTION

#### 7-201. Regulations.

**7-201. Regulations.** (1) It shall be unlawful for any person to ignite, discharge or throw any fireworks, firecrackers, cannon crackers, Roman candles, torpedoes or other explosives, or pyrotechnics of any kind upon the streets, alleys, sidewalks, public squares, public places or business houses in the city, or to do any act or make any noise likely to frighten horses, or alarm or injure people, or impede the free passage of vehicles and footmen along the streets.

(2) Public displays of fireworks are hereby declared to be legal, provided that all requirements of state law (*Tennessee Code Annotated*, §§ 68-104-101, *et seq.*) are fully complied with and the applicant for a public display permit obtains the signed approval of the chief supervisory officials of the fire and police departments of the city.

(3) The sale of fireworks within the city shall be legal, provided that the seller is in full compliance with all provisions of the above-referred to statute and has obtained and paid for all privilege licenses required by the state, county and city.

(4) The City of Lobelville sets aside the periods of two (2) weeks prior to July 4 and New Year's for the sale of fireworks. No fireworks shall be fired on the streets of Lobelville. A fifty dollar (\$50.00) privilege license will be required. (1996 Code, § 7-201, as amended by Ord. #\_\_\_, June 1997)

**TITLE 8****ALCOHOLIC BEVERAGES<sup>1</sup>****CHAPTER**

1. RETAIL SALE OF ALCOHOLIC BEVERAGES.
2. BEER.

**CHAPTER 1****RETAIL SALE OF ALCOHOLIC BEVERAGES****SECTION**

- 8-101. Definitions.
- 8-102. Regulations applicable.
- 8-103. Beer regulations unaffected.
- 8-104. State laws to be complied with.
- 8-105. Application fees to be paid by applicant; penalty.
- 8-106. Failure of a licensee to pay inspection fees, etc.
- 8-107. Bonds of licensees.
- 8-108. Effect of conviction of felony involving moral turpitude or of violating laws relating to alcoholic beverages.
- 8-109. New certificate after revocation.
- 8-110. Revocation or refusal of retailer to permit examination of books, records, etc.
- 8-111. Location restrictions.
- 8-112. Restriction on number of stores.
- 8-113. Content of application for certificate.
- 8-114. Certificate execution.
- 8-115. Transfer of license or store.
- 8-116. Inspection fees.
- 8-117. Sales to persons intoxicated, etc.
- 8-118. Public drinking and display prohibited.
- 8-119. Violations and penalty.

**8-101. Definitions.** Whenever used in this chapter, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverages" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, or wine and capable of being consumed by a human being, other than patented medicine,

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, title 57.

beer or wine, where the latter two (2) contain an alcoholic content defined pursuant to *Tennessee Code Annotated*, § 57-5-101.

(2) "Applicant" means any person who shall file an application or request, in whatever form, with the city for a certificate.

(3) "Application fee" shall mean the fee, payable in current funds, to the city by every person applying for a certificate, to help defray the cost to the city in the investigation of the applicant to determine his or her or its qualification or entitlement or the issuance of a certificate.

(4) "Board" refers to the Board of Mayor and Aldermen of the City of Lobelville, Tennessee.

(5) "Certificate" means any certificate issued to any applicant pursuant to this chapter and as a pre-requisite to the issuance of a license under *Tennessee Code Annotated*, title 57, by the State of Tennessee Alcoholic Beverage Commission.

(6) "City" means the City of Lobelville, Tennessee.

(7) "Domiciled" means a person who is presently and has had continuous actual physical residence within the city with an established permanent residence. If a corporation, partnership, firm or association then means that each and every stockholder, officer, director, member, partner or beneficiary shall have such residence within the city.

(8) "Licensee" means any person issued a license or permit to be a retailer within the city by the State of Tennessee Alcoholic Beverage Commission.

(9) "Person" means any natural person as well as any corporation, partnership, firm or association.

(10) "Retail sale" or "sale at retail" means a sale of an alcoholic beverage to a consumer or to any person for any purpose other than for resale by a retailer.

(11) "Retailer" means any person who sells at retail any beverages covered by this chapter.

(12) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume.

Words importing the masculine gender shall include the feminine and the neuter, and the singular shall include the plural. (Ord. #04-02, Jan. 2005)

**8-102. Regulations applicable.** (1) Pursuant to *Tennessee Code Annotated*, title 57, and a referendum held pursuant thereto in the city on the second day of November 2004, this chapter is enacted.

(2) It shall be unlawful to engage in the business of selling, storing, transporting, or distributing, or to purchase or possess alcoholic beverages within the corporate limits of the city, except in accordance with the provisions

of *Tennessee Code Annotated*, title 57, the rules and regulations promulgated there under, and as provided in this chapter. (Ord. #04-02, Jan. 2005)

**8-103. Beer regulations unaffected.** No provision of this chapter shall be considered or construed as in any way modifying, changing, or restricting the rules and regulations governing the sale, storage, transportation, or tax upon beer or other liquids with an alcoholic content defined pursuant to *Tennessee Code Annotated*, § 57-5-101. (Ord. #04-02, Jan. 2005)

**8-104. State laws to be complied with.** No person shall act as a retailer unless all the necessary state licenses and permits have been obtained. (Ord. #04-02, Jan. 2005)

**8-105. Application fees to be paid by applicant; penalty.** The application fee shall be payable by the person making application and no other person shall pay for any such fees. In addition to all other penalties provided for violations of this chapter, a violation of this section shall authorize and require the denial and/or revocation of any certificate issued pursuant to such application and forfeiture of the fee which was paid by another, and also the revocation of the certificate, if any, of the person so paying the application fee of another. (Ord. #04-02, Jan. 2005)

**8-106. Failure of a licensee to pay inspection fees, etc.** Whenever any licensee fails to account for or pay over to the city any tax, fine or inspection fee, or defaults in any of the conditions of his bond, the city recorder shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such defaults in payments and for the revocation of any certificate issued to such person under this chapter. (Ord. #04-02, Jan. 2005)

**8-107. Bonds of licensees.** A licensee shall execute with a surety company duly authorized and qualified to do business in the State of Tennessee a bond to the city in the amount of two thousand five hundred dollars (\$2,500.00) which shall be conditioned that the principal thereof shall pay any fine, tax, or fee which may be owing or assessed against the principal. (Ord. #04-02, Jan. 2005)

**8-108. Effect of conviction of felony involving moral turpitude or of violating laws relating to alcoholic beverages.** (1) No certificate shall be issued to any applicant who, within ten (10) years preceding application for such certificate shall have been convicted of a felony involving moral turpitude or shall have been convicted of any offense under the laws of the State of Tennessee, or any other state, or the United States, prohibiting or regulating the sale, possession, transportation, storing or otherwise handling of alcoholic

beverages, or who has during said period been engaged in business, alone or with others, in violation of any such laws or the rules and regulations promulgated pursuant thereto. In case of any conviction occurring after a certificate has been issued hereunder, the certificate shall immediately be revoked, if such convict shall be an individual, and, if not, the partnership, corporation, or association with which he is connected shall immediately discharge him, and failure to do so shall result in the immediate revocation of its certificate.

(2) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who within ten (10) years prior to the date of his employment shall have been convicted of any such violations as provided in subsection (1) above, and in case an employee should be so convicted, he shall be immediately discharged. Failure of a retailer to immediately discharge such employee shall be cause for revocation of the certificate of such retailer. (Ord. #04-02, Jan. 2005)

**8-109. New certificate after revocation.** Where a certificate is revoked, no new certificate shall be issued on the same premises of such retailer before the expiration of one (1) year from the date said revocation becomes final and effective. (Ord. #04-02, Jan. 2005)

**8-110. Revocation or refusal of retailer to permit examination of books, records, etc.** The city is authorized to examine the books, papers, and records of any retailer or applicant for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of any certificate issued to such retailer or the refusal to issue a certificate of any applicant. (Ord. #04-02, Jan. 2005)

**8-111. Location restrictions.** (1) It shall be unlawful for any person to operate or maintain a retail store for the retail sale of alcoholic beverages in the city that is closer than one hundred feet (100') from a school, church, or public institution, or otherwise inimical to the public interest. A licensee shall not be engaged as a retailer except at the premises recited in his application.

(2) Any change of location of the business location of a retailer shall be cause for immediate revocation of the certificate issued by the board unless the new location is approved in writing prior thereto by the board. (Ord. #04-02, Jan. 2005)

**8-112. Restriction on number of stores.** There shall be no restriction on the number of stores or locations for the retail sale of liquor within the City of Lobelville. (Ord. #17-03, Aug. 2017)

**8-113. Content of application for certificate.** Each applicant for a certificate shall file an application on a form provided by the city. A copy of each application form, questionnaire, partnership agreement or any other form or document required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with an application by the applicant for a state retailer liquor license shall be attached to the city application form and shall become a permanent part thereof as if fully and completely copied verbatim therein. The city attorney shall review the applications and notify the applicants and the board of any errors or insufficiencies noted on the applications. The application form for a certificate shall be signed and verified under oath by all owners, partners, officers, stockholders, directors, members, or otherwise and shall reflect the name of all persons having any financial interest, directly or indirectly, in and to the proposed liquor store. (Ord. #04-02, Jan. 2005)

**8-114. Certificate execution.** A certificate shall be signed by a majority of the board while in session and conditioned upon the applicant fulfilling the following requirements:

(1) The applicant shall be of good moral character and be personally known to a majority of the board.

(2) If a corporations, partnership, association, or firm, the executive officers and those in control and all owners, partners, stockholders, directors and members shall be of good moral character and personally known to a majority of the board.

(3) The financial condition of the applicant, and in the case of a corporation, partnership, association, or firm, also its executive officers, partners, directors, stockholders and members, is such as in the opinion of a majority of the board shall be solvent so as to likely cause the proposed liquor store to be operated in a commercially reasonable and sound manner.

(4) The applicant has not violated any of the provisions of this chapter and is otherwise entitled to the issuance of a license by the State of Tennessee Alcoholic Beverage Commission.

(5) The disclosure of the location or site that the applicant proposes to do business as a retailer and the owner of such premises and mortgage holder, if any. If the premises are leased, a copy of the lease agreement shall be attached. If the premises are owned, a copy of the title deed shall be attached. If the premises are mortgaged, a copy of the mortgage instrument shall be attached.

(6) The disclosure of the financial interest of any person in the application or in the operation of the retailer upon licensing by the State of Tennessee.

(7) That no applicant shall, either individually or as a member of a partnership, association, and firm or as a stockholder, officer, or director of a corporation, be on more than one (1) application.

(8) The applicant, if an individual, and each and every partner, member, director, stockholder, or executive officer, if a firm, partnership, corporation, or association, shall have been domiciled for not less than one (1) year next preceding the date of the application.

(9) Each individual applicant or individuals on an application at the time of filing of an application for a certificate shall pay a non-refundable application fee of five hundred dollars (\$500.00) to partially defray the cost of investigation of each such applicant or individual and processing of said application. (Ord. #04-02, Jan. 2005)

**8-115. Transfer of license or store.** No sale, transfer or gift of any interest of any nature, either financial or otherwise, in any store or license of any licensee shall be made without first obtaining the written approval of the board and the issuance of a certificate to a proposed owner, stockholder, member, partner, director, or otherwise. (Ord. #04-02, Jan. 2005)

**8-116. Inspection fees.** (1) Definitions. For the purposes of this section, the material words and phrases shall have the meanings respectively ascribed to them under *Tennessee Code Annotated*, § 57-3-101, and by § 8-101 hereof.

(2) Amount. For the purposes of providing a means of regulating, inspecting, and supervising the liquor business in the city, there is levied and imposed upon each retailer an inspection fee at the rate of eight percent (8%) of the wholesale price of alcoholic beverages supplied by any wholesaler to such retailer. The fee shall be measured by the wholesale price of the alcoholic beverages sold by all such wholesalers and paid by all such retailers and shall be eight percent (8%) of such wholesale price.

(3) Collection by wholesaler from retailer. The inspection fee shall be collected by the wholesaler from the retailer at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(4) Fees to be held until paid to city. Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the city as hereinafter provided.

(5) Monthly report and payment. Each wholesaler making sales to retailers located within the city shall furnish the city a report monthly and which report shall contain the following:

(a) The name and address of the retailer;

(b) The gross wholesale price of the alcoholic beverages sold to such retailer; and

(c) The amount of tax due under this section.

(6) Due date of wholesalers' reports and payment. The monthly report shall be furnished to the city recorder not later than the twentieth (20th) day of the month following which the sales were made and the inspection fees collected by the wholesaler from the retailers shall be paid to the city at the time the monthly report is made.



(7) Wholesalers' fee for collection of inspection fees. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service in a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted. Such reimbursement shall be deducted and shown on the monthly report to the city.

(8) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fees imposed hereunder shall be liable for a penalty of ten percent (10%) of the fees due the city.

(9) Audit of wholesalers' records. The city may audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly reports.

(10) Disposition of fees. The city recorder shall deposit any and all monies collected pursuant to this section into the general fund of the city. (Ord. #04-02, Jan. 2005)

**8-117. Sales to persons intoxicated, etc.** No retailer shall sell any alcoholic beverages to any person who is drunk, nor to any person accompanied by a person who is drunk. (Ord. #04-02, Jan. 2005)

**8-118. Public drinking and display prohibited.** It shall be unlawful for any person to drink any alcoholic beverages or physically and openly possess, display, exhibit, or show an unsealed bottle containing any alcoholic beverage in the parking area of any drive-in restaurant, shopping center, or parking area of any business premises, or on any public street or sidewalk, or in any public park, playground, theater, stadium, school, or school ground. (Ord. #04-02, Jan. 2005)

**8-119. Violations and penalty.** Any person who shall violate any provision of this chapter shall be punishable by a fine of fifty dollars (\$50.00) and in the case of a retailer shall, in the discretion of the board, be cause for revocation of the certificate issued to such retailer. (Ord. #04-02, Jan. 2005)

## CHAPTER 2

### BEER<sup>1</sup>

#### SECTION

- 8-201. Beer business lawful but subject to regulation.
- 8-202. Beer board created.
- 8-203. Permit required for engaging in beer business.
- 8-204. Limitations on issuance of permits.
- 8-205. Petitions for beer permits.
- 8-206. Suspension or revocation of permits.
- 8-207. Permits not transferable.
- 8-208. Wholesalers, distributors, and manufacturers to sell and deliver only to licensed retailers.
- 8-209. Sales to minors, intoxicated, or feeble-minded persons.
- 8-210. Purchases by or for a minor.
- 8-211. Hours for sale and distribution.
- 8-212. Location near churches, schools, etc.
- 8-213. Public consumption.
- 8-214. Violations and penalty.

**8-201. Beer business lawful but subject to regulation.** It shall hereafter be lawful to sell, store for resale, distribute or manufacture beer of alcoholic content of not more than defined pursuant to *Tennessee Code Annotated*, § 57-5-101, or other beverage of like alcoholic content, within the corporate limits of the City of Lobelville, Tennessee, subject to the regulations, limitations and restrictions hereinafter provided. (1996 Code, § 8-201)

**8-202. Beer board created.** There is hereby created a board, which shall be known and designated as the Beer Board of the City of Lobelville, Tennessee. Such board shall be composed of the Board of Mayor and Aldermen of the City of Lobelville, Tennessee. (1996 Code, § 8-202)

**8-203. Permit required for engaging in beer business.** No person shall engage in the selling, storing for resale, distributing or manufacturing of beer or other beverage regulated hereby, within said corporate limits until he receives a permit to do so from the beer board. Said permit shall at all times be subject to the limitations and restrictions herein provided. (1996 Code, § 8-203)

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<sup>1</sup>State 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).

**8-204. Limitations on issuance of permits.** Off-premises permits issued for the retail sale of beverages coming within the provisions of this chapter for consumption off the premises of the permit holder shall be restricted to locations where the principal business activity of the permit holder is the sale of groceries, food supplies, and other related items. On-premises permits issued for the retail sale of beverages coming within the provisions of this chapter for consumption on and off the premises of the permit holder shall be restricted to private clubs chartered by the State of Tennessee prior to January 1, 1976, and in operation on or before January 1, 1976. (1996 Code, § 8-204)

**8-205. Petitions for beer permits.** Before any permit is issued by the beer board, the applicant shall file with the beer board a sworn petition in writing on forms prescribed by and furnished by the board, which shall establish the following:

(1) The location of the premises at which the business shall be conducted;

(2) The owner or owners of such premises;

(3) 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;

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

(5) That off-premises permit holders will make no sale for consumption on the premises and that no consumption will be allowed on the premises of off-premises permit holders;

(6) That no sale will be made to minors or persons intoxicated and that the applicant will not allow minors, disorderly or disreputable persons, or persons heretofore connected with the violation of liquor laws to loiter in or around the place of business;

(7) That neither the applicant nor any persons employed or to be employed by him in such distribution or sale has been convicted of any violation of the laws against possession, sale, manufacture or transportation of intoxicating liquor, or any crime involving moral turpitude, within the past ten (10) years; and

(8) 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, corporation, syndicate, association or joint stock company or companies for which the applicant intends to act.

Before any permit is issued by the beer board, the applicant shall appear before the beer board in person at a time and place not inconsistent with this code and the laws of the State of Tennessee. (1996 Code, § 8-205)

**8-206. Suspension or revocation of permits.** 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 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 state beer act. Any misrepresentation of a material fact in the application may be grounds for the suspension or revocation of the permit. Complaints against any permit holder for the purpose of suspending or revoking such permit may be filed by any person. Such complaints shall be made in writing, signed by the complaining party, and filed with the board. When the board has reason to believe that any permit holder has violated any of the provisions of this chapter or of the state beer act, then the board shall notify the permittee of the alleged violation and cite him by written notice to appear and show cause why his permit should not be suspended or revoked. Such citations shall be served upon the permittee either by registered letter to the address shown on his permit application or by personal delivery by a member of the board or its authorized representative. The notice shall be served upon the permittee at least ten (10) days before the date set for the hearing. Service by mail is complete one (1) day after mailing. At the hearing, which shall be public, the board shall hear the evidence 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 use at the same location, until the expiration of one (1) year from the date said revocation becomes final. (1996 Code, § 8-206)

**8-207. Permits not transferable.** Permits issued under the provisions of this chapter are not transferable, either as to location or to any heir or transferee of the permittee. (1996 Code, § 8-207)

**8-208. Wholesalers, distributors, and manufacturers to sell and deliver only to licensed retailers.** It shall be unlawful for any wholesaler, distributor, or manufacturer of beer or other beverage regulated hereunder, or any of their salesmen or representatives, to sell or deliver such beverages to any person in the corporate limits other than the 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 or deliverer is a holder of a valid beer permit. (1996 Code, § 8-208)

**8-209. Sales to minors, intoxicated, or feeble-minded persons.** 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 sale or distribution of such beverages to

a person who is a minor, or is intoxicated, feeble-minded, insane, or otherwise mentally incapacitated. (1996 Code, § 8-209)

**8-210. Purchases by or for a minor.** It shall be unlawful for any minor to purchase or attempt to purchase any beverage regulated hereunder and it shall be unlawful for any minor to present or offer to 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 such beverage. It shall also be unlawful for any person to purchase beer to be consumed by or delivered to a minor. (1996 Code, § 8-210)

**8-211. Hours for sale and distribution.** It shall hereafter be unlawful, and it is hereby declared to be a misdemeanor for any person, firm, corporation, or association to sell or distribute beer within the corporate limits of the City of Lobelville, Tennessee, between the hours of 12:00 midnight and 5:00 A.M. every day of the week. (1996 Code, § 8-211, as amended by Ord. #06-02, Aug. 2006)

**8-212. Location near churches, schools, etc.** No permit shall be issued to an applicant for use at a location which is less than one hundred feet (100') from a church, public school, public park or regulated public playground. In determining the distance from a church or public school, the distance shall be measured from the center of the nearest permanent entrance to the church or public school building being used for religious or educational purposes, following the usual and customary path of pedestrian travel, to the center of the main entrance of the applicant's place of business. The distance from a public park or regulated playground shall be measured from the nearest boundary of same to the center of the main entrance of the applicant's place of business. (1996 Code, § 8-212)

**8-213. Public consumption.** It shall be unlawful to consume any beverage regulated hereunder or to be in possession of an open container of same for the purpose of consumption, upon any street, alley, sidewalk or other public thoroughfare, or in any public building, park or other public place within the corporate limits of the City of Lobelville, Tennessee. (1996 Code, § 8-213)

**8-214. Violations and penalty.** Any person in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a penalty under the general penalty clause for this municipal code. In the case of an alleged violation by a person seventeen (17) years of age or less, he shall be taken before the Juvenile Judge of Perry County, Tennessee, for appropriate disposition. (1996 Code, § 8-214)

**TITLE 9**

**BUSINESS, PEDDLERS, SOLICITORS, ETC.**<sup>1</sup>

[RESERVED FOR FUTURE USE]

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<sup>1</sup>Municipal code references

Liquor and beer regulations: title 8.

Noise reductions: title 11.

**TITLE 10****ANIMAL CONTROL**<sup>1</sup>**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Storage of food.
- 10-104. Seizure and disposition of animals.
- 10-105. Animal waste.
- 10-106. Violations and penalty.

**10-101. Running at large prohibited.** (1) It shall be unlawful for any person owning or being in charge of any cows, 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.

(2) Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #11-04, Nov. 2011)

**10-102. 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. (Ord. #11-04, Nov. 2011)

**10-103. Storage of food.** All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (Ord. #11-04, Nov. 2011)

**10-104. Seizure and disposition of animals.** (1) Any animal or fowl found running at large or otherwise being kept in violation of this chapter may

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<sup>1</sup>Wherever this title mentions dogs it pertains to dog and cats.

be seized by any police officer or other properly designated officer or official 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 five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed.

(2) 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. (Ord. #11-04, Nov. 2011)

**10-105. Animal waste.** No person shall allow any dog or cat owned by him to defecate or urinate on the property of another or on any public property, defined as that area between the sidewalk and curb line. Should an animal defecate on the property of another or on any public property, he shall cause the feces to be removed immediately. (Ord. #11-02, Oct. 2011)

**10-106. Violations and penalty.** (1) Any violation of §§ 10-101 to 10-104 shall constitute a civil offense and shall, upon conviction, pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense.

(2) Any person violating any provision of § 10-105 shall be guilty of an offense, and upon conviction, shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (Ord. #11-02, Oct. 2011, as amended by Ord. #11-04, Nov. 2011)



## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Running at large prohibited.
- 10-202. Vicious dogs to be securely restrained.
- 10-203. Confinement of dogs suspected of being rabid.
- 10-204. Seizure and disposition of dogs.
- 10-205. Destruction of vicious or infected dogs running at large.
- 10-206. Vicious dog provisions.
- 10-207. Violations and penalty.

**10-201. 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.

(2) Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #11-04, Nov. 2011)

**10-202. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (Ord. #11-04, Nov. 2011)

**10-203. 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 chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (Ord. #11-04, Nov. 2011)

**10-204. Seizure and disposition of dogs.** Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the 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 sold or humanely destroyed. If the dog is not

wearing a tag, it shall be sold or humanely destroyed 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 has a tag evidencing such vaccination placed on its collar. (Ord. #11-04, Nov. 2011)

**10-205. Destruction of vicious or infected dogs running at large.**

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 any police officer or other properly designated officer. (Ord. #11-04, Nov. 2011)

**10-206. Vicious dog provisions.** (1) Definition of terms.

(a) "Owner" means any person, firm, corporation, organization, or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(b) "Vicious dog" means:

(i) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;

(ii) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter;

(iii) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal;

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or

(v) Any pit bull terrier, which shall be defined as any American pit bull terrier or Staffordshire bull terrier or American Staffordshire terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull terrier or Staffordshire bull terrier or American Staffordshire terrier as to be identifiable as partially of the breed of American pit bull terrier or Staffordshire bull terrier or Staffordshire bull terrier or American Staffordshire bull terrier.

(2) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(3) Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(4) Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(5) Signs. The owner of a vicious dog shall display in a prominent place on his premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(6) Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(7) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of this chapter provide proof to the city clerk of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his vicious dog. (Ord. #11-04, Nov. 2011)

**10-207. Violations and penalty.** (1) Any violation of §§ 10-201 to 10-205 shall constitute a civil offense, and shall, upon conviction, pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense.

(2) Whoever violates any provision of § 10-206 shall be guilty of a gross misdemeanor, and may be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt. (Ord. #11-04, Nov. 2011, as amended by Ord. #11-05, Nov. 2011)

**TITLE 11**

**MUNICIPAL OFFENSES<sup>1</sup>**

**CHAPTER**

1. FIREARMS, WEAPONS AND MISSILES.
2. TRESPASSING AND INTERFERENCE WITH TRAFFIC.

**CHAPTER 1**

**FIREARMS, WEAPONS AND MISSILES**

**SECTION**

- 11-101. Air rifles, etc.  
11-102. Weapons and firearms generally.

**11-101. Air rifles, etc.** It shall be unlawful for any person in the municipality 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. (1996 Code, § 11-501)

**11-102. Weapons and firearms generally.** It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1996 Code, § 11-503, modified)

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<sup>1</sup>Municipal code references

Fireworks and explosives: title 7.

Streets and sidewalks (non-traffic): title 16.

Traffic offenses: title 15.

**CHAPTER 6****TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-201. Trespassing.

11-202. Interference with traffic.

**11-201. 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. (1996 Code, § 11-601)

**11-202. 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. (1996 Code, § 11-603)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

#### 1. MODEL ENERGY CODE.

#### CHAPTER 1

#### MODEL ENERGY CODE<sup>1</sup>

#### SECTION

12-101. Model energy code adopted.

12-102. Modifications.

12-103. Available in recorder's office.

12-104. Violations and penalty.

**12-101. Model energy code adopted.** Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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 Code*<sup>2</sup> 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. (1996 Code, § 12-101)

**12-102. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City

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<sup>1</sup>State 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.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

of Lobelville. 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. (1996 Code, § 12-102)

**12-103. Available in recorder's office.** Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the 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. (1996 Code, § 12-103)

**12-104. Violations and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1996 Code, § 12-104)

**TITLE 13****PROPERTY MAINTENANCE REGULATIONS****CHAPTER**

1. MISCELLANEOUS.
2. JUNKED MOTOR VEHICLES.

**CHAPTER 1****MISCELLANEOUS****SECTION**

- 13-101. Weeds and grass.
- 13-102. Overgrown and dirty lots.
- 13-103. Violations and penalty.

**13-101. Weeds and grass.** 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 recorder to cut such vegetation when it has reached a height of over one foot (1').

**13-102. Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall



state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the Lobelville Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Perry County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs

to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

**13-103. Violations and penalty**. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 2

### JUNKED MOTOR VEHICLES

#### SECTION

13-201. Definitions.

13-202. Abandonment of vehicles.

13-203. Disposition of wrecked or discarded vehicles.

13-204. Impounding, notice to owner or occupant to abate public nuisance on occupied premises.

13-205. Violations and penalty.

**13-201. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

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

(2) "Property." Any real property within the city which is not a street or highway.

(3) "Vehicle." Any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer motorcycle, tractor, buggy and wagon. (Ord. #31, Dec. 1971)

**13-202. Abandonment of vehicles.** No person shall abandon any vehicle on any property within the city or leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (Ord. #31, Dec. 1971)

**13-203. Disposition of wrecked or discarded vehicles.** No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any dismantled, partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than ten (10) days; except that this chapter shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. (Ord. #31, Dec. 1971)

**13-204. Impounding.** The city manager or his designated representative is hereby authorized to remove or have removed any vehicle left at any place in the city in violation of this chapter or lost, stolen or unclaimed. Such vehicle shall be impounded. (Ord. #31, Dec. 1971)

**13-205. Notice to owner or occupant to abate public nuisance on occupied premises.** Whenever any such public nuisance exists on occupied premises within the city in violation of this chapter hereof, the city manager or his duly authorized agent shall order the owner of the premises, if in possession thereof, or the occupant of the premises whereon such public nuisance exists, to abate or remove the same. Such order shall:

- (1) Be in writing ;
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required;
- (4) Provide for compliance within ten (10) days from service thereof.

Such order shall be served upon the owner of the premises or the occupant by serving him personally or by sending said order by certified mail, return receipt requested, to the address of the premises. If the owner or occupant of the premises fails or refuses to comply with the order of the city manager or his duly authorized agent within the ten (10) day period after service thereof, as provided herein , the city manager or his duly authorized agent shall take possession of said junked motor vehicle and remove it from the premises. The city manager or his duly authorized agent shall thereafter dispose of said junked motor vehicle by sale. The amount received from sale shall apply to cost of moving said vehicle. If the sale of vehicle is more than the cost of moving vehicle, the balance of sale will go to the owner of vehicle . If the sale of vehicle fails to pay the cost of moving, the city will pay the remaining cost of moving vehicle. (Ord. #31, Dec. 1971)

**14-206. Violations and penalty.** Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. #31, Dec. 1971)

**TITLE 14****ZONING AND LAND USE CONTROL****CHAPTER**

1. RESIDENTIAL LOTS
2. FLOOD DAMAGE PREVENTION

**CHAPTER 1****RESIDENTIAL LOTS****SECTION**

- 14-101. Size.
- 14-102. Distance between houses/mobile homes.
- 14-103. Variance.
- 14-104. Presently existing homes.
- 14-105. Miscellaneous provisions.

**14-101. Size.** Each residence or mobile home erected or located within the city shall be on a lot having an area of not less than one-half (1/2) acre. (Ord. #165-A-B, May 2005)

**14-102. Distance between houses/mobile homes.** A distance of twenty-five feet (25') shall be left between all houses or mobile homes. (Ord. #165-A-B, May 2005)

**14-103. 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. (Ord. #165-A-B, May 2005)

**14-104. Presently existing homes.** Presently existing mobile homes shall not be affected by this chapter, however, if a presently existing mobile home is torn down, damaged by fire, storm or in any other manner so as to make it uninhabitable, then and in that event, any replacement mobile home must comply with the restrictions and conditions of this chapter. (Ord. #165-A-B, May 2005)

**14-105. Miscellaneous provisions.** (1) Any mobile home placed upon any lot from the effective date of this chapter shall not be more than five (5) years old from the date of placement on the lot.

(2) All mobile homes located within the city shall be underpinned and all residential lots shall be kept mowed, free of junk, and attractive in appearance. (Ord. #165-A-B, May 2005)

## CHAPTER 2

### FLOOD DAMAGE PREVENTION

#### SECTION

- 14-201. Statutory authorization.
- 14-202. Findings of fact.
- 14-203. Statement of purpose.
- 14-204. Objectives.
- 14-205. Definitions.
- 14-206. General provisions.
- 14-207. Administration.
- 14-208. Flood hazard reduction; general standards.
- 14-209. Flood hazard reduction; specific standards.
- 14-210. Special flood hazard areas with established base flood elevations and with floodways designated.
- 14-211. Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated.
- 14-212. Standards for streams without established base flood elevations and floodways (A Zones).
- 14-213. Standards for areas of shallow flooding (AO and AH Zones).
- 14-214. Standards for areas protected by flood protection system (A99 Zones).
- 14-215. Standards for unmapped streams.
- 14-216. Variance procedures; board of floodplain review.
- 14-217. Conditions for variances.
- 14-218. Violations and penalty.

**14-201. Statutory authorization.** The legislature of the State of Tennessee has in *Tennessee Code Annotated*, § 6-2-201, delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Lobelville, Tennessee, Mayor and its legislative body do ordain as follows. (Ord. #12-01, April 2012)

**14-202. Findings of fact.** (1) The City of Lobelville, Tennessee, Mayor and its legislative body wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, § 60.3.

(2) Areas of the City of Lobelville, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(3) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages. (Ord. #12-01, April 2012)

**14-203. Statement of purpose.** (1) It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.

(2) This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. #12-01, April 2012)

**14-204. Objectives.** The objectives of this chapter are:

(1) To protect human life, health, safety and property;

(2) To minimize expenditure of public funds for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;

(7) To ensure that potential home buyers are notified that property is in a flood prone area; and

(8) To establish eligibility for participation in the NFIP. (Ord. #12-01, April 2012)

**14-205. Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have



in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following.

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001 to 4131.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(4) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(6) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(7) "Area of special flood hazard." See "special flood hazard area."

(8) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(9) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11) "Building." See "structure."

(12) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(13) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(14) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with 42 U.S.C. 1344. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(15) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(16) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(17) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(18) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(19) "Existing structures." See "existing construction."

(20) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(21) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(22) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(23) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(25) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(26) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood" or "flooding").

(29) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

(30) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(31) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as

a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(33) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(34) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(35) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(36) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(37) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(38) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(39) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Lobelville, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(40) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(41) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(42) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(43) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(44) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(45) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(46) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(47) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain

management ordinance and includes any subsequent improvements to such structure.

(49) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(50) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(51) "100-year flood." See "base flood."

(52) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(53) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(54) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(55) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(56) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(57) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(58) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(59) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(60) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(61) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(62) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(63) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(64) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(65) "Variance" is a grant of relief from the requirements of this chapter.

(66) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(67) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #12-01, April 2012, modified)

**14-206. General provisions.** (1) Application. This chapter shall apply to all areas within the incorporated area of the City of Lobelville, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Lobelville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) #47135CV000A, dated September 29, 2010 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47135C0066D, 47135C0067D, 47135C0068D, 47135C0069D, 47135C0155D, 47135C0156D, and 47135C0158D, dated September 20, 2010 along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter conflicts or overlaps with another



regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

This chapter shall not create liability on the part of the City of Lobelville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. #12-01, April 2012)

**14-207. Administration.** (1) Designation of ordinance administrator. The city recorder or any other official designated by the board of mayor and aldermen is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to, the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

- (a) Application stage.
  - (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.
  - (ii) Elevation in relation to mean sea level to which any nonresidential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.
  - (iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in §§ 14-208 and 14-209.

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding;

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process;

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained;

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-207(2);

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-207(2);

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-207(2);

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of Lobelville, Tennessee FIRM meet the requirements of this chapter; and

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #12-01, April 2012, modified)

**14-208. Flood hazard reduction; general standards.** In all areas of special flood hazard, the following provisions are required.

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

(2) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground

anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(5) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(9) Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(10) Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provision of this chapter, shall be undertaken only if said nonconformity is not further extended or replaced.

(11) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including § 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1344.

(12) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-209.

(13) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

(14) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation. (Ord. #12-01, April 2012, modified)

**14-209. Flood hazard reduction; specific standards.** In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-208, are required.

(1) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood

elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-205). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(2) Nonresidential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-205). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are water-tight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-207(2).

(3) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:

(i) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot (1') above the finished grade; and

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-209.

(4) Standards for manufactured homes and recreational vehicles.

(a) All manufactured homes placed, or substantially improved, on:

(i) Individual lots or parcels;

(ii) In expansions to existing manufactured home parks or subdivisions; or

(iii) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(i) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(ii) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-205).

(c) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of §§ 14-208 and 14-209.

(d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(e) All recreational vehicles placed in an identified special flood hazard area must either:

(i) Be on the site for fewer than one hundred-eighty (180) consecutive days;

(ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(iii) The recreational vehicle must meet all the requirements for new construction.

(5) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding:

(a) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) All approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-212). (Ord. #12-01, April 2012)

**14-210. Special flood hazard areas with established base flood elevations and with floodways designated.** Located within the special flood hazard areas established in § 14-206(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply.

(1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in

the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Lobelville, Tennessee and certification, thereof.

(2) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 14-208 and 14-209. (Ord. #12-01, April 2012)

**14-211. Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated.**

Located within the special flood hazard areas established in § 14-206(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply.

(1) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(2) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 14-208 and 14-209. (Ord. #12-01, April 2012)

**14-212. Standards for streams without established base flood elevations and floodways (A Zones).**

(1) Located within the special flood hazard areas established in § 14-206(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply.

(1) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see subsection (2) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of §§ 14-208 and 14-209.

(2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(3) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of



at least three feet (3') above the highest adjacent grade (as defined in § 14-205). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-207(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-209.

(4) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Lobelville, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(5) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 14-208 and 14-209. Within approximate A Zones, require that those subsections of §§ 14-208 and 14-209, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required. (Ord. #12-01, April 2012)

**14-213. Standards for areas of shallow flooding (AO and AH Zones).** Located within the special flood hazard areas established in § 14-206(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in §§ 14-208 and 14-209, apply.

(1) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-209.

(2) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed water-tight to be completely floodproofed to at least one foot (1') above

the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the Administrator as set forth above and as required in accordance with § 14-207(2).

(3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures. (Ord. #12-01, April 2012)

**14-214. Standards for areas protected by flood protection system (A99 Zones).** Located within the areas of special flood hazard established in § 14-206(2), are areas of the one hundred (100) year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A99 Zones) all provisions of §§ 14-207 to 14-215, shall apply. (Ord. #12-01, April 2012)

**14-215. Standards for unmapped streams.** Located within the City of Lobelville, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(1) No encroachments including fill material or other development, including structures, shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(2) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-207 to 14-215. (Ord. #12-01, April 2012)

**14-216. Variance procedures; board of floodplain review.**

(1) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer (mayor). The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall

be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(2) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the board of mayor and aldermen.

(3) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of twenty-five dollars (\$25.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than seven (7) calendar days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(4) Powers. The board of floodplain review shall have the following powers:

(a) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(b) Variance procedures. In the case of a request for a variance the following shall apply.

(i) The City of Lobelville, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this chapter.

(ii) Variances may be issued for the repair or rehabilitation of historic structures as defined herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

(iii) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all

relevant factors, all standards specified in other sections of this chapter, and:

(A) The danger that materials may be swept onto other property to the injury of others;

(B) The danger to life and property due to flooding or erosion;

(C) The susceptibility of the proposed facility and its contents to flood damage;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(H) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(I) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(J) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(iv) Upon consideration of the factors listed above, and the purposes of this chapter, the board of floodplain review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter.

(v) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. (Ord. #12-01, April 2012)

**14-217. Conditions for variances.** (1) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-216.

(2) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(4) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #12-01, April 2012)

**14-218. Violations and penalty.** Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefor, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lobelville, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #12-01, April 2012)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING

#### CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

#### CHAPTER 1

#### MISCELLANEOUS<sup>1</sup>

#### SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.

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<sup>1</sup>State 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.

- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits, unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by *Tennessee Code Annotated*, title 55, chapter 9. (1996 Code, § 15-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1996 Code, § 15-102)

**15-103. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1996 Code, § 15-104)

**15-104. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street, except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction;
- (b) When the right half of a roadway is closed to traffic while under construction or repair; or
- (c) Upon a roadway designated and signposted by the municipality for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1996 Code, § 15-105)

**15-105. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four

(4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets, either lane may be lawfully used in the absence of markings to the contrary. (1996 Code, § 15-106)

**15-106. Yellow lines.** On streets with a yellow line placed to the right of any lane line or centerline, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1996 Code, § 15-107)

**15-107. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city/town unless otherwise directed by a police officer.

No person shall willfully fail or refuse to comply with any lawful order of any police officer invested by law with the authority to direct, control or regulate traffic.

**15-108. General requirements for traffic-control signs, etc.** Pursuant to *Tennessee Code Annotated*, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*,<sup>2</sup> and shall be uniform as to type and location throughout the city.

**15-109. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1996 Code, § 15-110)

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

<sup>2</sup>For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*



**15-110. Presumption with respect to traffic-control signs, etc.**

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1996 Code, § 15-111)

**15-111. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1996 Code, § 15-112)

**15-112. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1996 Code, § 15-113)

**15-113. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1996 Code, § 15-114)

**15-114. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1996 Code, § 15-115)

**15-115. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1996 Code, § 15-116)

**15-116. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve inches (12") square. Between one-half (1/2) hour after sunset and one-half (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 feet (200') from the rear of such vehicle. (1996 Code, § 15-117)

**15-117. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1996 Code, § 15-118, modified)

**15-118. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988."

**15-119. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1996 Code, § 15-120)

**15-120. 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. (1996 Code, § 15-121)

**15-121. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

No person under the age of sixteen (16) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1996 Code, § 15-122)

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles within the meaning of this title shall be all fire department of the city or any other fire department vehicles of any city assisting the City of Lobelville, Tennessee, all police vehicles of whatever agency or jurisdiction while within the city on any official business, and ambulances duly marked and operated as an emergency vehicle within the meaning of the laws of the State of Tennessee, and all other vehicles as may be designated by the board of mayor and aldermen from time to time by resolution. (1996 Code, § 15-201)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light, or blue light where authorized, visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

consequences of his reckless disregard for the safety of others. (1996 Code, § 15-202)

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within five hundred feet (500') of where a fire department vehicle or apparatus has stopped in answer to a fire alarm. (1996 Code, § 15-203)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive any motor vehicle over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or police officer. (1996 Code, § 15-204)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

**15-301. In general.** (1) 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 twenty-five (25) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply.

(2) It shall be unlawful for any person to operate or drive a motor vehicle at a speed in excess of thirty (30) miles per hour upon State Highway No. 13 which passes through the corporate limits from a point at its intersection with Gilmer Bridge Road to a point at its intersection with Mud Springs Hollow Road. (1996 Code, § 15-301)

**15-302. 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. (1996 Code, § 15-302)

**15-303. In school zones.** Generally, pursuant to *Tennessee Code Annotated*, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the governing body has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1996 Code, § 15-303, modified)

**15-304. In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed

in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1996 Code, § 15-304)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1996 Code, § 15-401)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1996 Code, § 15-402)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerlines thereof and by passing to the right of the intersection of the centerlines of the two (2) roadways. (1996 Code, § 15-403)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1996 Code, § 15-404)

**15-405. U-turns.** U-turns are prohibited. (1996 Code, § 15-405)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 55-8-143.



## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. When emerging from alleys, etc.
- 15-502. To prevent obstructing an intersection.
- 15-503. At "stop" signs.
- 15-504. At "yield" signs.
- 15-505. At traffic-control signals generally.
- 15-506. At flashing traffic-control signals.
- 15-507. At pedestrian control signals.
- 15-508. Stops to be signaled.

**15-501. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1996 Code, § 15-502)

**15-502. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1996 Code, § 15-503)

**15-503. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1996 Code, § 15-504)

**15-504. At "yield" signs.** The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1996 Code, § 15-505)

**15-505. At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

- (1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone; provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the municipality, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal; however, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turn On Red" sign, which may be erected by the municipality at intersections which the municipality decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any

such sign or marking the stop shall be made a vehicle length short of the signal. (1996 Code, § 15-506)

**15-506. At flashing traffic-control signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the municipality, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1996 Code, § 15-507)

**15-507. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1996 Code, § 15-508)

**15-508. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1996 Code, § 15-509)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen inches (18") of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley 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. (1996 Code, § 15-601)

**15-602. Angle parking.** On those streets which have been signed or marked by the municipality 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 feet (24'). (1996 Code, § 15-602)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) 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. (1996 Code, § 15-603)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or municipality, nor:

- (1) On a sidewalk;
  - (2) In front of a public or private driveway;
  - (3) Within an intersection or within fifteen feet (15') thereof;
  - (4) Within fifteen feet (15') of a fire hydrant;
  - (5) Within a pedestrian crosswalk;
  - (6) Within fifty feet (50') of a railroad crossing;
  - (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance;
  - (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
  - (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (10) Upon any bridge; or
  - (11) Alongside any curb painted yellow or red by the municipality.
- (1996 Code, § 15-604)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1996 Code, § 15-605)

**15-606. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1996 Code, § 15-606)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violations and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, 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. (1996 Code, § 15-701, modified)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1996 Code, § 15-702)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1996 Code, § 15-703)

**15-704. 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

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<sup>1</sup>State law reference

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

as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been affixed to the vehicle and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of.

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in *Tennessee Code Annotated*, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of *Tennessee Code Annotated*, §§ 55-16-103 to 55-16-109. (1996 Code, § 15-705)

**15-706. Violations and penalty.** Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, his civil penalty shall be ten dollars (\$10.00).

(b) Other parking violations excluding handicapped parking. For other parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the recorder a fine of ten dollars (\$10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, his civil penalty shall be twenty-five dollars (\$25.00).

(c) Disabled parking violations, or parking in a space designated for disabled drivers without legal authority, shall be punishable by a fine of up to fifty dollars (\$50.00).

**TITLE 16****STREETS AND SIDEWALKS, ETC<sup>1</sup>****CHAPTER****1. USE OF HORSES, MULES, AND DONKEYS ON PUBLIC STREETS.****CHAPTER 1****USE OF HORSES, MULES, AND DONKEYS  
ON PUBLIC STREETS****SECTION**

16-101. Owner required to dispose of excreta.

16-102. Horses, mules, or donkeys to be equipped with appropriate apparatus.

16-103. Provisions applicable to certain streets.

16-104. Violations and penalty.

**16-101. Owner required to dispose of excreta.** No owner, operator or rider of any horse, mule, or donkey shall allow such animal to deposit its excreta upon the public streets, alleys, ways and commons of the city without immediately and promptly cleaning and removing such excreta and disposing of it in a sanitary manner. (1996 Code, § 16-201)

**16-102. Horses, mules, or donkeys to be equipped with appropriate apparatus.** No owner, operator or rider of any horse, mule or donkey shall drive, ride, or in any manner utilize such animal upon the public streets, alleys, ways or commons of the city unless such animal is outfitted or equipped with appropriate apparatus or device as is designed to assure that excreta from such animals does not fall upon nor deposited upon the streets, alleys, ways and commons of the city. (1996 Code, § 16-202)

**16-103. Provisions applicable to certain streets.** The provisions hereof shall be applicable only to such street, alley, way or commons of the city which is situated within and along zones that are posted by the city or by other lawful authority which regulates motor vehicular traffic at a maximum rate of speed of thirty (30) miles per hour and the provisions hereof shall not apply outside of such zones. (1996 Code, § 16-203)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.



**16-104. Violations and penalty.** Any person violating any provision hereof, upon conviction, and for each separate violation, shall be fined a sum of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and shall pay costs of the cause. (1996 Code, § 16-204)

**TITLE 17**

**REFUSE AND TRASH DISPOSAL**

**CHAPTER**

**1. GARBAGE PICKUP SERVICE.**

**CHAPTER 1**

**GARBAGE PICKUP SERVICE**

**SECTION**

17-101. Refuse and trash disposal.

**17-101. Refuse and trash disposal.** The city provides garbage pickup service twice weekly, on Monday and Thursday. If collection day falls on a holiday, garbage will be picked up on the next business day.

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER AND SEWERS****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Non-refundable deposit required for service.
- 18-108. Water and sewer main extensions.
- 18-109. Water and sewer main extension variances.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Re-connection charge.
- 18-116. Termination of service by customer.
- 18-117. Access to customers' premises.
- 18-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use of or interference with water supply.
- 18-123. Limited use of unmetered private fire line.
- 18-124. Damages to property due to water pressure.
- 18-125. Liability for cutoff failures.

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<sup>1</sup>Municipal code references

Building, utility, and residential codes: title 12.

- 18-126. Restricted use of water.
- 18-127. Interruption of service.
- 18-128. Schedule of rates.
- 18-129. Tap fees.

**18-101. Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1996 Code, § 18-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the municipality under either an express or implied contract.

(2) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

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

(5) "Premises" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premises" shall not include more than one (1) dwelling.

(6) "Service line" shall consist of the pipe line extending from any water or sewer 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. (1996 Code, § 18-102)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1996 Code, § 18-103)

**18-104. Application and contract for service.** Each prospective customer desiring water and/or sewer 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 service, does not take such 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 deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the

liability of the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1996 Code, § 18-104)

**18-105. 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 and/or sewer service. (1996 Code, § 18-105)

**18-106. Connection charges.** Service lines will be laid by the municipality from its mains 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 water or sewer service line will be laid by the municipality, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such 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 (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1996 Code, § 18-106)

**18-107. Non-refundable deposit required for service.** The City of Lobelville has set a seventy-five dollar (\$75.00) non-refundable deposit for renters and a fifty dollar (\$50.00) non-refundable deposit for home owners for water/sewer service. Whenever a potential customer makes a written request for water/sewer, they shall first pay the deposit before services can be connected. (1996 Code, § 18-107)

**18-108. Water and sewer main extensions.**<sup>1</sup> Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions, cement-lined cast iron pipe, class 150 American Waterworks Association Standard (or other construction approved by the governing body), not less than six inches (6") in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than one thousand feet

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<sup>1</sup>Municipal code reference

Construction of building sewers: title 18, chapter 2.

(1,000') from the most distant part of any dwelling structure and no farther than six hundred feet (600') from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances. Cement-lined cast iron pipe (or other construction approved by the governing body) two inches (2") in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions, eight inch (8") pipe of vitrified clay or other construction approved by the governing body shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the municipality, such water and/or sewer 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 and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (1996 Code, § 18-108)

**18-109. Water and sewer main extension variances.** Whenever the governing body is of the opinion that it is to the best interest of the municipality and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1996 Code, § 18-109)

**18-110. 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. (1996 Code, § 18-110)

**18-111. 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"	\$12.00
1-1/2", 2"	\$15.00
3"	\$18.00
4"	\$22.00
6" and over	\$30.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1996 Code, § 18-111)

**18-112. Multiple services through a single meter.** No customer shall supply water or sewer service to more than one (1) dwelling or premises from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one (1) dwelling or premises 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 premises served. The water and/or sewer charges for each such dwelling or premises thus served shall be computed just as if each such dwelling or premises 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 rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premises 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. (1996 Code, § 18-112)

**18-113. Billing.** Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service will be rendered monthly.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

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 municipality reserves the right to render an estimated bill based on the best information available. (1996 Code, § 18-113, modified)

**18-114. Discontinuance or refusal of service.** The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations;
- (2) The customer's application for service; or
- (3) The customer's contract for service.

The right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant.

Discontinuance of service by the municipality for any cause 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 other provisions of the customer's contract.



No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1996 Code, § 18-114)

**18-115. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of fifty dollars (\$50.00) shall be collected by the municipality before service is restored. (Ord. #12-02, April 2012)

**18-116. 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. (1996 Code, § 18-116)

**18-117. 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 secure compliance with these rules and regulations. (1996 Code, § 18-117)

**18-118. Inspections.** The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or 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. (1996 Code, § 18-118)

**18-119. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for 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 care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1996 Code, § 18-119)

**18-120. Customer's responsibility for violations.** Where the municipality furnishes water and/or sewer 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. (1996 Code, § 18-120)

**18-121. 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. (1996 Code, § 18-121)

**18-122. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the municipality's stopcocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1996 Code, § 18-122)

**18-123. 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 immediately give the municipality a written notice of such occurrence. (1996 Code, § 18-123)

**18-124. 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. (1996 Code, § 18-124)

**18-125. Liability for cutoff failures.** 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:

- (1) After receipt of at least ten (10) days' written notice to cut off water service, the municipality has failed to cut off such service;
- (2) The municipality has attempted to cut off a service but such service has not been completely cut off; or
- (3) 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.

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. (1996 Code, § 18-125)

**18-126. 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. (1996 Code, § 18-126)

**18-127. Interruption of service.** The municipality will endeavor to furnish continuous water and sewer 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 and sewer systems, 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. (1996 Code, § 18-127)

**18-128. Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the municipality may from time to time adopt, prescribe, or approve.<sup>1</sup> (1996 Code, § 18-128)

**18-129. Tap fees.** (1) The City of Lobelville has set an eight hundred dollar (\$800.00) tap fee for costumers outside the city limits and four hundred dollars (\$400.00) for customers inside the city limits per service. Additional charges will be assessed on lines in excess of one hundred fifty feet (150') and if the scope of work is outside the normal tap fee range.

(2) Whenever a potential customer makes a request for water, sewer, or gas, he shall first pay the tap fees before work is done. The tap fees will be paid at the City of Lobelville. (1996 Code, § 18-129, as amended by Ord. #235, Oct. 1999, modified)

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<sup>1</sup>Administrative ordinances and resolutions are of record in the office of the city recorder.

## CHAPTER 2

### SUPPLEMENTARY SEWER REGULATIONS<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Violations and penalty.

**18-201. 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 twenty degrees Celsius (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 feet (5') (one and one-half (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.

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<sup>1</sup>Municipal code reference

Building, utility, and residential codes: title 12.

Cross-connections: title 18, chapter 4.

(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 inch (1/2") (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 municipality, 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. (1996 Code, § 18-201)

**18-202. 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 the 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 feet (200') of the property line. (1996 Code, § 18-202)

**18-203. Private sewage disposal.** The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local 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. (1996 Code, § 18-203)

**18-204. 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 municipality. 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 municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one (1) 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 (1) 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 municipality. 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 municipality, 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 gas-tight and water-tight. 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 municipality. (1996 Code, § 18-204)

**18-205. Use of the public sewers.** (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of



the Tennessee Stream Pollution Control Board, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance; create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works; or

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred and fifty degrees Fahrenheit (150°F), sixty-five degrees Celsius (65°C);

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) (zero and sixty-five degrees Celsius (0 and 65°C));

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor

of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent;

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials;

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharges to the receiving waters;

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations;

(h) Any waters or wastes having a pH in excess of 9.5;

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, (above three hundred (300) mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters; and

(k) Waters or wastes containing suspended solids in excess of three hundred (300) mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsection, and which in the

judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) below.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) 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, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

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

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances 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.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, 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 downstream manhole in the public sewer nearest to the point at which the building sewer is connected. Sampling shall be carried out by customarily

accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefore, by the industrial concern. (1996 Code, § 18-205)

**18-206. 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1996 Code, § 18-206)

**18-207. Powers and authority of inspectors.** (1) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in the preceding subsection, the superintendent or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the municipal employees and the municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repairing, and maintenance of any portion of the sewage works lying within said easement. All entries and subsequent

work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1996 Code, § 18-207)

**18-208. Violations and penalty.** (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the municipality with a written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violation. (1996 Code, § 18-208)

## CHAPTER 3

### SEWAGE AND HUMAN EXCRETA DISPOSAL

#### SECTION

18-301. Reason for chapter.

18-302. Properties required to connect to and use sewers.

18-303. When connections to sewer to be made.

18-304. Privies, septic tanks, etc., prohibited.

18-305. Chapter cannot be repealed, rescinded, or modified without approval.

**18-301. Reason for chapter.** It is hereby determined that the provisions of this chapter are necessitated by the requirements of the public health and welfare of the community. (1996 Code, § 18-301)

**18-302. Properties required to connect to and use sewers.** Each property owner of the municipality, where people live and congregate in the municipality, shall be and is hereby required to connect and use the sewer facilities of the municipality where such facilities are available to such property. (1996 Code, § 18-302)

**18-303. When connections to sewer to be made.** Each said property owner shall make the connection to the sewer facilities as soon as such facilities are constructed to the nearest point adjacent to his property. (1996 Code, § 18-303)

**18-304. Privies, septic tanks, etc., prohibited.** All other sewage facilities, including privies, septic tanks, disposal fields, or other means of sewage disposal located in the municipality upon property where municipal sewer facilities are now available, or will be available, upon completion of the sewage system contemplated by the plans and specifications for construction prepared by Barge, Waggoner and Sumner, Inc., Consulting Engineers of Nashville, Tennessee, are hereby declared a nuisance and not in keeping with the public health and welfare of the municipality and are hereby prohibited. (1996 Code, § 18-304)

**18-305. Chapter cannot be repealed, rescinded, or modified without approval.** Since this chapter is enacted not only because the public health and welfare of the municipality so requires, but also pursuant to a loan agreement with the United States government, this chapter shall not be repealed, rescinded or modified without the approval of the government while said bonds, or any of them are outstanding. (1996 Code, § 18-305)

## CHAPTER 4

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Construction, operation, and supervision.
- 18-403. Statement required.
- 18-404. Correction of existing violations.
- 18-405. Violations and penalty.

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

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

(2) "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.

(3) "Cross-connection." Any physical arrangement whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(4) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the City of Lobelville for general use and which supply is recognized as the public water supply by the Tennessee Department of Health. (1996 Code, § 18-401)

**18-402. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass

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<sup>1</sup>Municipal code references

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

or inter-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 the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the superintendent of water of the municipality. (1996 Code, § 18-402)

**18-403. 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 superintendent of water of the municipality 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 until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the Superintendent of Water of the municipality. (1996 Code, § 18-403)

**18-404. 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 superintendent of water of the municipality. (1996 Code, § 18-404)

**18-405. Violations and penalty.** 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 under the general penalty clause for this municipal code. In addition to the foregoing fines and penalties the superintendent of water of the municipality shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection, has been discontinued. (1996 Code, § 18-405)



**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1**

**ELECTRICITY**

**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.<sup>1</sup> 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. (1996 Code, § 19-101)

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<sup>1</sup>The agreements are of record in the office of the city recorder.

## CHAPTER 2

### GAS

#### SECTION

19-201. Provision of service.

19-202. Schedule of rates.

19-203. Tap fee.

19-204. Non-refundable deposit required for service.

**19-201. Provision of service.** (1) Whenever a potential customer makes an oral or written request for natural gas service, the city shall cause an inspection to be made as soon after receiving the request as same may be accomplished practicably.

(2) Upon completion of said inspection of the potential customer's property, the city shall give to the potential customer a written estimate of the charge to be made by the city for extending the required lines from the existing line or lines to the appropriate meter location (to be determined by the city).

(3) The customer shall be required to pay to the city the amount of said estimate before any work is begun. In the event that the actual cost of the work exceeds the amount of the estimate and the customer's payment, then the customer will be billed for the overage.

(4) In cases where the extensions of the line or lines in the manner set out above will provide service to only one customer, the city's estimate and the customer's payment shall include the city's charge for tapping the main line. In cases where the extension will provide services to more than one customer (i.e., apartment house, duplex, etc.) the tapping of the main line shall be done at the expense of the city and no charge for same shall be included in the estimate or the customers' payment. (1996 Code, § 19-201)

**19-202. Schedule of rates.** All gas service shall be furnished under such rate schedules as the city may from time to time adopt, prescribe, or approve.<sup>1</sup> (1996 Code, § 19-202)

**19-203. Tap fee.** The City of Lobelville has set an eight hundred dollar (\$800.00) tap fee on natural gas for customers outside the city limits and a four hundred dollar (\$400.00) tap fee on natural gas for customers inside the city limits per service. Additional charges will be assessed on lines in excess of one hundred fifty feet (150') and if the scope of work is outside the normal tap fee range.

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<sup>1</sup>Administrative ordinances and resolutions, etc., are of record in the recorder's office.

(1) Whenever a potential customer makes an oral or written request for gas, they shall first pay the tap fee before work is done. The tap fee will be paid at the Lobelville City Hall.

(2) Upon completion of the work, a review of the work will be done, and if it runs over the said tap fee the potential customers will have to pay the difference. (1996 Code, § 19-203, modified)

**19-204. Non-refundable deposit required for service.** The City of Lobelville has set a seventy-five dollar (\$75.00) non-refundable deposit for renters and a fifty dollar (\$50.00) non-refundable deposit for home owners for natural gas service. Whenever a potential customer makes a written request for natural gas, they shall first pay the deposit before services can be connected. (1996 Code, § 19-204)

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. EMERGENCY ASSISTANCE REGULATIONS.
2. TELEPHONE SERVICE.

**CHAPTER 1**

**EMERGENCY ASSISTANCE REGULATIONS<sup>1</sup>**

**SECTION**

- 20-101. Definitions.
- 20-102. Requests for emergency assistance.
- 20-103. City requesting for emergency assistance; mayor to be in command.
- 20-104. City responding to emergencies.
- 20-105. Requirements for city to respond to emergency calls.
- 20-106. City not obligated to respond.
- 20-107. Mayor to determine level of response by city.
- 20-108. Multiple requests at the same time.
- 20-109. City not liable for damages.
- 20-110. City liable for damages occurring within the city.
- 20-111. City not liable for damages in jurisdiction of requesting party.
- 20-112. Reimburse costs incurred while responding to emergency calls.
- 20-113. Applicability of provisions.

**20-101. Definitions.** (1) "City" shall mean the City of Lobelville, Tennessee.

(2) "Emergency assistance" shall mean firefighting, law enforcement, public works, emergency medical, civil defense, or any other emergency assistance that is provided by the City of Lobelville, Tennessee or by any other local government as a responding unit of local government, or any combination of such forms of assistance, where the resources of the requesting local government are not adequate to handle an emergency at hand.

(3) "Local government" shall mean any incorporated city or town, any metropolitan government, any county, any utility district, any other regional or

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, §§ 58-2-601 *et seq.*, as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government.

local district or authority or any electric cooperative, as established under the laws of the State of Tennessee.

(4) "Requesting party" shall mean a local government which requests emergency assistance.

(5) "Responding party" shall mean a local government which responds to a request for emergency assistance.

(1996 Code, § 20-101)

**20-102. Requests for emergency assistance.** All requests for emergency assistance made by the city and all requests for such assistance to be rendered by the city shall be done, performed and authorized only by the mayor of the city, or in his absence by the such person or official to whom he shall have delegated such authority in writing. No other person or official of the city shall be authorized to request the rendering of emergency assistance by the city. (1996 Code, § 20-102)

**20-103. City requesting for emergency assistance; mayor to be in command.** When the city is the requesting party, the mayor, and when the city is the responding party, the senior officer on the scene of the emergency of any other local government, shall be in full command of the emergency as to strategy, tactics and overall direction of the operation and such person shall direct the actions of the responding party by relaying orders to the senior departmental officer in command of the responding party. (1996 Code, § 20-103)

**20-104. City responding to emergencies.** When the city is the responding party, all orders and other directions of the operation received from the senior officer in charge of the requesting party shall be directed through the senior departmental officer of the city in command on the scene and by him directed to the employees or other agents of the city performing the emergency assistance. (1996 Code, § 20-104)

**20-105. Requirements for city to respond to emergency calls.** No response to a request for emergency assistance shall be made by the city to any requesting party unless such requesting party has adopted appropriate policies and procedures which shall have been furnished to the city prior to the request being made. (1996 Code, § 20-105)

**20-106. City not obligated to respond.** The city shall be under no duty to respond to any request for emergency assistance from any requesting party and shall be under no duty to remain on the scene of any emergency for any length of time if it shall have responded to a request. Once on the scene of any emergency under lawful authority, the personnel and equipment of the city may be withdrawn at any time at the discretion of the mayor, or in his absence

the senior departmental officer of the city on the scene and in command of the personnel and equipment of the city. (1996 Code, § 20-106)

**20-107. Mayor to determine level of response by city.** In determining the level of response to be made by the city to any request of a requesting party for emergency assistance, the mayor shall make a reasonable appraisal of the emergency of the requesting party, consider the available resources of the requesting party or any other responding party, the available resources of the city, and such other factors as may be appropriate at the time. In responding to a request made by a requesting party, the greatest or maximum response that shall be permitted to be made by the city shall be fifty percent (50%) of the personnel and resources of the particular service or department of the city for which the emergency assistance is requested. (1996 Code, § 20-107)

**20-108. Multiple requests at the same time.** In cases where two (2) or more requests for emergency assistance are made at or about the same time to the city, the mayor shall respond to the multiple requests by taking into consideration the relative degree of the emergency which shall exist in the jurisdiction of each requesting party. (1996 Code, § 20-108)

**20-109. City not liable for damages.** The city, when in the capacity of a requesting party, shall not be liable for damages to the equipment or personnel of a responding party in responding to the request by the city for emergency assistance, nor shall the city or its employees be liable for any damages caused by the negligence of the personnel of the responding party while en route to or returning from the scene of an emergency within the city. (1996 Code, § 20-109)

**20-110. City liable for damages occurring within the city.** The city shall be liable for damages caused by the negligence of the employees of a responding party while on the scene and under the command of the senior departmental officer of the city on the scene of the emergency occurring within the city, as is provided for liability imposed on the city generally by *Tennessee Code Annotated*, §§ 29-20-101, *et seq.* (1996 Code, § 20-110)

**20-111. City not liable for damages in jurisdiction of requesting party.** When in the capacity of a responding party, the city shall not be liable for any property damage or bodily injury caused by the negligence of its employees while at the actual scene of any emergency in the jurisdiction of a requesting party. (1996 Code, § 20-111)

**20-112. Reimburse costs incurred when responding to emergency calls.** Before rendering emergency assistance, the requesting party shall

guarantee to the city that the requesting party shall reimburse to the city its actual costs incurred by way of the wages or compensation as paid to employees of the city sent to the scene of the emergency in the jurisdiction of the requesting party and for the costs of all motor vehicle operating fuels and lubricants consumed by the equipment of the city used in rendering the emergency assistance. Likewise, the city shall reimburse to any responding party for its cost of wages or compensation of its personnel and for fuels and lubricants consumed in operating its equipment sent to the city in response to a request for emergency assistance made by the city. (1996 Code, § 20-112)

**20-113. Applicability of provisions.** The provisions hereof shall have no applicability to the rendering of emergency assistance by the city or to the receiving by the city of emergency assistance pursuant to any specific mutual aid agreement or interlocal cooperation agreement that may have been entered into or which shall be hereafter entered into by the city with any local government. (1996 Code, § 20-113)

**CHAPTER 2****TELEPHONE SERVICE****SECTION**

20-201. To be furnished under franchise.

**20-201. To be furnished under franchise.** Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>1</sup> 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. (1996 Code, § 20-201)

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<sup>1</sup>The agreements are of record in the office of the city recorder.



**ORDINANCE NO. 18-01**

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF LOBELVILLE, TENNESSEE.**

WHEREAS some of the ordinances of the City of Lobelville are obsolete, and

WHEREAS some of the other ordinances of the City are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Lobelville, 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 "Lobelville Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF LOBELVILLE, TENNESSEE, THAT:

**Section 1. Ordinances codified.** The ordinances of the City of Lobelville 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 "Lobelville 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 city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; 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 city; 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 city.

**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 fifty dollars (\$50.00) 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."

Each day any violation of the municipal code continues shall constitute a separate civil offense.<sup>1</sup>

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<sup>1</sup>State law reference

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

**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 city 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.

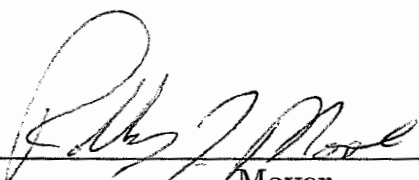
**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

**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, March 6th, 2018.

Passed 2nd reading, April 3rd, 2018.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder