

**THE  
RUTLEDGE  
MUNICIPAL  
CODE**

Prepared by the



**Municipal Technical Advisory Service**

*In cooperation with the Tennessee Municipal League*

July 2022

**CITY OF RUTLDGE, TENNESSEE**

**MAYOR**

Fred Sykes

**VICE MAYOR**

Benny Atkins

**ALDERMEN**

Ed Boling, Jr.  
Martha Ann Cameron  
Jason Day

**RECORDER**

Stacy Harbin

**CITY ATTORNEY**

Evan Newman

## PREFACE

The Rutledge Municipal Code contains the codification and revision of the ordinances of the City of Rutledge, 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)

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**TITLE 1**

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

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. RECORDER-TREASURER.
3. CITY MANAGER.
4. WARDS.
5. CODE OF ETHICS.

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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

Building and plumbing inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

## CHAPTER 1

BOARD OF MAYOR AND ALDERMEN<sup>1</sup>

## SECTION

1-101. Time and place of regular meetings.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings on the second Thursday of each month commencing at 7:00 P.M.(1996 Code, § 1-101, modified)

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<sup>1</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.

**CHAPTER 2****RECORDER-TREASURER**<sup>1</sup>**SECTION**

1-201. To be bonded.

**1-201. To be bonded.** The recorder-treasurer shall, before entering upon his duties, execute a fidelity bond with some surety company authorized to do business in the State of Tennessee, as surety, in the amount of five thousand dollars (\$5,000.00). (1996 Code, § 1-201)

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<sup>1</sup>Charter references

City recorder: § 6-4-201, *et seq.*

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1).

## CHAPTER 3

### CITY MANAGER

#### SECTION

1-301. To be bonded.

**1-301. To be bonded.** The city manager shall, before entering upon his duties, execute a fidelity bond with some surety company authorized to do business in the State of Tennessee, as surety, in the amount of five thousand dollars (\$5,000.00). (1996 Code, § 1-301)

## CHAPTER 4

### WARDS

#### SECTION

- 1-401. Wards created.
- 1-402. Population of each ward.
- 1-403. Description of each ward.
- 1-404. Recorder to distribute copies of this chapter.

**1-401. Wards created.** There is created and established aldermanic wards in the City of Rutledge of substantially equal population based upon the 1990 United States Census of population for the City of Rutledge. (1996 Code, § 1-401)

**1-402. Population of each ward.** The population of each aldermanic ward is as follows:

- (1) Ward 1. 570.
- (2) Ward 2. 535. (1996 Code, § 1-402)

**1-403. Description of each ward.** The legal description of each aldermanic ward is as follows:

- (1) Ward 1. All of the area of the city from the western end of the city limits north of old Highway 11-W (Bryan Road) to intersection of new Highway 11-W, then north of new Highway 11-W to western edge of Morgan Avenue.
- (2) Ward 2. All of the area of the city from the western end of the city limits south of old Highway 11-W (Bryan Road) to intersection of new Highway 11-W, then south of new Highway 11-W to Morgan Avenue, then all of the area of the city east of Morgan Avenue to the eastern end of the city limits. (1996 Code, § 1-403)

**1-404. Recorder to distribute copies of this chapter.** The recorder of the city shall publish notice of this chapter in full in a newspaper of general circulation within the city, shall provide a copy of the same to the Grainger County Election Commission, and shall make available to the public copies of maps of the aldermanic wards that clearly show the boundaries of such wards. (1996 Code, § 1-404)

## CHAPTER 5

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

#### SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations and penalty.

**1-501. Applicability.** This chapter is the code of ethics for personnel of the City of Rutledge. 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

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<sup>1</sup>State statutes dictate many of the ethics provisions that apply to municipal officiate and employees, for provisions relative to the following, see the *Tennessee Cede Annotated* sections indicated.

Campaign finance: *Tennessee Code Annotated*, title 2, ch. 10.

Conflict of interests: *Tennessee Code Annotated*, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: *Tennessee Code Annotated*, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: *Tennessee Code Annotated*, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): *Tennessee Code Annotated*, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: *Tennessee Code Annotated*, § 39-16-401 and the following sections.

Ouster law: *Tennessee Code Annotated*, § 8-47-101 and the following sections.

"municipality" and "City of Rutledge" include these separate entities. (Ord. #97, April 2007)

**1-502. Definition of "personal interest."** (1) For purposes of §§ 1-503 and 1-504, "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" include 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. #97, April 2007)

**1-503. 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. #97, April 2007)

**1-504. 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. #97, April 2007)

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



**1-505. 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:

(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. #97, April 2007)

**1-506. 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. #97, April 2007)

**1-507. 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 mayor and aldermen to be in the best interests of the city. (Ord. #97, April 2007)

**1-508. 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. #97, April 2007)

**1-509. Outside employment.** A full-time employee of the city may not accept any outside employment without written authorization from the mayor. (Ord. #97, April 2007)

**1-510. 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 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 of mayor and aldermen 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. #97, April 2007)

**1-511. 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. #97, April 2007)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

[RESERVED FOR FUTURE USE]

**TITLE 3**

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

[RESERVED FOR FUTURE USE]

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<sup>1</sup>Charter references

City judge--city court: § 6-4-301.

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

#### 1. TRAVEL REIMBURSEMENT REGULATIONS.

#### CHAPTER 1

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

4-101. Enforcement.

4-102. Travel policy.

4-103. Travel reimbursement rate schedule.

4-104. Administrative procedures.

**4-101. Enforcement.** The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (1996 Code, § 4-201)

**4-102. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must

immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

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

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

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

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

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

Expenses considered excessive won't be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (1996 Code, § 4-202)

**4-103. Travel reimbursement rate schedule.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (1996 Code, § 4-203)

**4-104. Administrative procedures.** The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (1996 Code, § 4-204)

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

1. MISCELLANEOUS.
2. PRIVILEGE TAXES
3. PURCHASING.

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

- 5-101. Official depository for city funds.
- 5-102. Checks to be signed by recorder-treasurer.
- 5-103. Drug fund.

**5-101. Official depository for city funds.** The Citizens Bank and Trust Company of Rutledge, Tennessee, is hereby designated as the official depository for all city funds. (1996 Code, § 5-101)

**5-102. Checks to be signed by recorder-treasurer.** All checks shall be signed by the city recorder-treasurer and countersigned by the city manager. (1996 Code, § 5-102)

**5-103. Drug fund.** The City of Rutledge in compliance with the provisions of *Tennessee Code Annotated*, §§ 6-22-120 and 40-33-211 does hereby authorize and direct the city recorder to establish an account for the depository of funds seized as a result of drug related arrests made pursuant to *Tennessee Code Annotated*, §§ 53-11-201, *et seq.* at the Citizens Bank and Trust Company of Grainger County, Tennessee, Rutledge Branch, said account and funds contained therein to be administered in accordance with applicable law. (1996 Code, § 5-103)

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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.

## CHAPTER 2

### PRIVILEGE TAXES

#### SECTION

5-201. Tax levied.

5-202. License required.

**5-201. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's Business Tax Act (*Tennessee Code Annotated*, §§ 67-4-701, *et seq.*) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. In no event shall the tax imposed by this section exceed fifteen dollars (\$15.00) as established by *Tennessee Code Annotated*, § 67-4-709(a). (Ord. #105, April 2009)

**5-202. License required.** No person shall exercise any such privilege within the city 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 tax. (Ord. #105, April 2009)



## CHAPTER 3

### PURCHASING

#### SECTION

#### 5-301. Procedures.

**5-301. Procedures.** (1) As designated in this chapter, the mayor shall act as purchasing agent for the city, with power, except as set out in these procedures, to purchase materials, supplies, equipment, and services; secure leases and lease-purchases; and dispose of and transfer surplus property for the proper conduct of the city's business. All contracts, leases, and lease-purchase agreements extended beyond the end of any fiscal year must have prior approval of the governing body.

(2) The purchasing agent shall have the authority to make purchases, leases, and lease-purchases of more than five hundred dollars (\$500.00) and less than five thousand dollars (\$5,000.00) singly or in the aggregate during any fiscal year and, except as otherwise provided herein, shall require three (3) competitive bids or quotations, either verbal or written whenever possible prior to each purchase. Competitive bids or quotations for the purchase of item which costs less than five hundred dollars (\$500.00) are desirable but not mandatory. All competitive bids or quotations received shall be recorded and maintained in the office of the city recorder for a minimum of two (2) years after audit. Awards shall be made to the lowest and best bidder.

(3) A description of all projects or purchases, except as herein provided, which require the expenditure of city funds of five thousand dollars (\$5,000.00) or more singly or in the aggregate during any fiscal year shall be prepared by the purchasing agent and submitted to the governing body for authorization to call for bids or proposals. After the determination that adequate funds are budgeted and available for a purchase, the governing body may authorize the purchasing agent to advertise for bids or proposals. The award of purchases, leases, or lease-purchases of five thousand dollars (\$5,000.00) or more shall be made by the governing body to the lowest and best bidder.

(4) Purchases amounting to five thousand dollars (\$5,000.00) or more, which do not require public advertising and sealed bids or proposals, may be allowed only under the following circumstances and, except as otherwise provided herein, when such purchases are approved by the governing body:

(a) Sole source of supply or proprietary products as determined after a complete search by the purchasing agent, with governing body approval.

(b) Emergency expenditures with subsequent approval of the governing body.

(c) Purchases from instrumentalities created by two (2) or more cooperating governments.

(d) Purchases from non-profit corporations whose purpose or one (1) of whose purposes is to provide goods or services specifically to municipalities.

(e) Purchases, leases, or lease-purchases of real property.

(f) Purchases, leases, or lease-purchases from any federal, state, or local governmental unit or agency of second-hand articles or equipment or other materials, supplies, commodities, and equipment.

(g) Purchases through other units of governments as authorized by the Municipal Purchasing Law of 1983.<sup>1</sup>

(h) Purchases directed through or in conjunction with the state Department of General Services.

(i) Purchases from Tennessee state industries.

(j) Professional service contracts as provided in *Tennessee Code Annotated*, § 29-20-407.

(k) Tort Liability Insurance as provided in *Tennessee Code Annotated*, § 12-4-407.

(l) Purchases of fuels, fuel products, or perishable commodities.

(m) Professional services shall not be bid.

(5) The purchasing agent shall be responsible for following these procedures and the Municipal Purchasing Law of 1983, as amended, including keeping and filing required records and reports, as if they were set out herein and made a part hereof and within definitions of words and phrases from the law as herein defined.

(6) The purchasing agent may use a city purchase order to outline the terms and conditions for a purchase. A sample purchase order is attached.

(7) If the purchase is over the dollar limit, under no circumstances may multiple forms be used in an effort to avoid competitive bidding. Any variations in the purchase order and invoiced amount for purchases exceeding five thousand dollars (\$5,000.00) shall be approved by the board of mayor and aldermen.

(8) Any violation of this purchasing policy is subject to disciplinary action which could include termination of employment.

(9) This limit may be lowered or increased to a maximum ten thousand dollars (\$10,000.00) by the governing body. (Ord. # 128, March 2014)

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<sup>1</sup>This document may be viewed in the office of the recorder.

**TITLE 6**

**LAW ENFORCEMENT**

[RESERVED FOR FUTURE USE]

## TITLE 7

### FIRE PROTECTION AND FIREWORKS

#### CHAPTER

1. FIRE CODE.
2. VOLUNTEER FIRE DEPARTMENT.

#### CHAPTER 1

#### FIRE CODE<sup>1</sup>

#### SECTION

- 7-101. Fire code adopted.
- 7-102. Enforcement.
- 7-103. Gasoline trucks.
- 7-104. Variances.
- 7-105. Available in recorder's office.
- 7-106. Violations and penalty.

**7-101. Fire code adopted.** Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the *International Fire Code*,<sup>2</sup> 2015 edition, and NFPA 101 Life Safety Code,<sup>3</sup> 2021 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code is shall be controlling within the corporate limits.

**7-102. Enforcement.** The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal.

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<sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<sup>3</sup>Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

**7-103. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline.

**7-104. Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen.

**7-105. Available in recorder's office.** Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**7-106. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by 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

### VOLUNTEER FIRE DEPARTMENT

#### SECTION

7-201. Establishment and membership.

7-202. Fire chief to be responsible for department.

7-203. Firefighters power to remove or destroy property.

7-204. Powers and authority of firefighters.

**7-201. Establishment and membership.** A volunteer fire department is established for the City of Rutledge, Tennessee. It shall consist of a fire chief, two (2) assistants and not less than twenty (20) firefighters and truck drivers, the same to be appointed or designated by the city manager to serve at the will of the said manager. (1996 Code, § 7-101)

**7-202. Fire chief to be responsible for department.** Fire protection shall be under the supervision of the fire chief, who shall be responsible for the operation, care, and maintenance of all property and equipment of the fire department for the prevention and extinguishment of fires and the protection of life and property against fire. (1996 Code, § 7-102)

**7-203. Firefighters power to remove or destroy property.** During the progress of any fire, the firefighters shall have the power to remove or destroy any property necessary to prevent the further spread of fire. (1996 Code, § 7-103)

**7-204. Powers and authority of firefighters.** The firefighters shall have the same powers and authority as police officers of the city while going to, attending, and returning from a fire, and enforcing parking prohibition relating to fire hydrants. (1996 Code, § 7-104)

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

1. INTOXICATING LIQUORS.
2. BEER.

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

- 8-101. Prohibited generally.  
8-102. Enforcement.

**8-101. Prohibited generally.** Except as authorized by title 8, chapter 2 of this code, other applicable laws, and/or ordinances, it shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture any intoxicating liquor within this municipality. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. "Beer" shall be defined pursuant to *Tennessee Code Annotated*, § 57-5-101. (Ord. #145, Sept. 2019)

**8-102. Enforcement.** The enforcement of this chapter shall be by any law enforcement officers, including the sheriff, sheriff's deputies, constables, Tennessee Highway Patrolmen and city police officers. (Ord. #145, Sept. 2019)

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, title 57.

## CHAPTER 2

### BEER

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Limitation on permits.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
- 8-213. Revocation or suspension of beer permits.
- 8-214. Civil penalty in lieu of revocation or suspension.
- 8-215. Loss of clerk's certification for sale to minor.
- 8-216. Violations and penalty.

**8-201. Beer board established.** There is hereby established a beer board in and for the Town of Rutledge, Tennessee to be composed of the Town of Rutledge Board of Mayor and Aldermen. The mayor shall be the chairman of the beer board. (Ord. #145, Sept. 2019)

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives adequate notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #145, Sept. 2019)

**8-203. Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; names of the board members present and absent; names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #145, Sept. 2019)



**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #145, Sept. 2019)

**8-205. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within Town of Rutledge, Tennessee in accordance with the provisions of this chapter. (Ord. #145, Sept. 2019)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101. (Ord. #145, Sept. 2019)

**8-207. Permit required for engaging in beer business.**<sup>1</sup> It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated*, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of Rutledge, Tennessee. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #145, Sept. 2019)

**8-208. Privilege tax.**<sup>2</sup> There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the Town of Rutledge, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #145, Sept. 2019)

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, § 57-5-103.

<sup>2</sup>State law reference  
*Tennessee Code Annotated*, § 57-5-104(b).

**8-209. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off premises consumption. A single permit may be issued for on premise and off premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions in his permit.<sup>1</sup> (Ord. #145, Sept. 2019)

**8-210. Limitation on permits.** Provided that all requirements of this chapter are complied with, all existing permits for the sale of beer within the corporate limits of the Town of Rutledge, Tennessee at the date of the passage of this chapter shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment in which a permit is now held for the sale of beer, and the permit used only within the establishment or building purchased. (Ord. #145, Sept. 2019)

**8-211. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools or churches, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within one hundred feet (100') of any school or church. No permit will be issued authorizing the storage, sale or manufacture of beer at places within one hundred feet (100') of any church or school, as measured in a straight line from the nearest corner of the school or church structure to the nearest corner of the structure where beer is to be

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 57-5-301(a) provides that neither beer permit holders nor persons employed by them may have been "convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude" within the previous ten (10) years. Under *Tennessee Code Annotated*, § 57-5-301(b), violations are punishable under state law as a Class A misdemeanor. Under *Tennessee Code Annotated*, § 16-18-302, city/town courts may only enforce local ordinances that mirror, substantially duplicate or incorporate by reference Class C misdemeanors. City/Town courts are thus prohibited from enforcing ordinances making violations of *Tennessee Code Annotated*, § 57-5-301(a) a local offense.

stored, sold or manufactured. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church, or if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (Ord. #145, Sept. 2019)

**8-212. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.** It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(2) Make or allow the sale of beer between the hours of 12:00 midnight and 6:00 A.M. on weekdays and at any time on Sunday.<sup>1</sup>

(3) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

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

(5) Allow drunk persons to loiter about his premises.

(6) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content higher than beer.

(7) Fail to provide and maintain separate sanitary toilet facilities for men and women. (Ord. #145, Sept. 2019)

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

Pursuant to *Tennessee Code Annotated*, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of *Tennessee Code Annotated*, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 57-5-106(a), for cities with liquor by the drink, the Alcoholic Beverage Commission sets the hours of operation, which may only be modified by ordinance to reduce hours on Sundays under *Tennessee Compilation Rules and Regulations* § 0100-01-.03(2).

commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under *Tennessee Code Annotated*, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. #145, Sept. 2019)

**8-214. Civil penalty in lieu of revocation or suspension.**

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," *Tennessee Code Annotated*, § 57-5-601, *et seq.*

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the Town of Rutledge, Tennessee may impose. (Ord. #145, Sept. 2019)

**8-215. Loss of clerk's certification for sale to minor.** If the beer board determines that a clerk of an off-premises beer permit holder certified under *Tennessee Code Annotated*, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #145, Sept. 2019)

**8-216. Violations and penalty.** Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #145, Sept. 2019)

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER**

1. CABLE TELEVISION.
2. PEDDLERS, SOLICITORS, ETC.

**CHAPTER 1****CABLE TELEVISION****SECTION**

9-101. To be furnished under franchise.

**9-101. To be furnished under franchise.** Cable television service shall be furnished to the City of Rutledge and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Rutledge and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>2</sup> (1996 Code, § 9-101)

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Zoning: title 14.

<sup>2</sup>For complete details relating to the cable television franchise agreement see Ord. #38, dated July 20, 1989, and any amendments, in the office of the city recorder.

## CHAPTER 2

### PEDDLERS, SOLICITORS, ETC.

#### SECTION

- 9-201. Permit required.
- 9-202. Definitions.
- 9-203. Exemptions.
- 9-204. Eligibility.
- 9-205. Permit procedure.
- 9-206. Business license required.
- 9-207. Restrictions on permit holders in general.
- 9-208. Additional restrictions on transient vendors.
- 9-209. Display of permit, business license, etc.
- 9-210. Revocation of permit.
- 9-211. Violations and penalty.

**9-201. Permit required.** It shall be unlawful for any peddler, solicitor, solicitor for religious purposes, street barker, or transient vendor to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1996 Code, § 9-201, modified)

**9-202. Definitions.** Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person who individually or as an agent or employee of any firm, corporation, or organization, who has no permanent regular place of business and who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale, or offering personal services for sale.

(2) "Solicitor" means any person, who individually or as an agent or employee of any firm, corporation or organization, who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, personal property of any nature whatever for future delivery, or services of any kind or nature, except that the term shall not include solicitors for charitable and religious purposes as that term is defined below.

(3) "Solicitor for charitable or religious purposes" means any person who individually or as an agent or employee of any firm, corporation or

organization who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, soliciting contributions from the public for any charitable or religious organization. No person, firm, corporation or organization shall qualify as a solicitor for religious purposes unless it meets one (1) of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under section 501(c) (3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or a similar "umbrella" organization for charitable or religious organizations organized and operating in the Grainger County area.

(c) Has been in continued existence as a charitable or religious organization in Grainger County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Street barker" means any person who engages in the business or conduct as a peddler individually or as an agent or employee of any firm, corporation or organization during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

(5) "Transient vendor" means any person who individually or as an agent or employee of any firm, corporation or organization who brings into temporary premises and exhibits stocks of merchandise to the public, or offers to perform services or entertainment. "Transient vendor" does not include any person selling goods by sample, brochure, or sale catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a business or residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle, which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months. (1996 Code, § 9-202)

**9-203. Exemptions.** The terms of this chapter shall not apply to:

(1) Persons selling at wholesale to dealers, newsboys and bona fide merchants, who merely deliver goods in the regular course of business;

(2) Persons selling agricultural products, who themselves produced the products being sold;

(3) Persons involved in fundraising activities or programs by any public school; and



(4) Craft shows, antique shows, gun shows, auto shows and similar temporary shows and exhibits which are not open or operating as public facilities for such particular purpose for more than fourteen (14) days during any calendar year, except that the owner, manager operator or promoter of each facility in which such shows and exhibits are held, unless said owner be a governmental or registered non-profit entity, shall be required to obtain a business license and shall, prior to opening and operating of each such event, pay a fee of one hundred dollars (\$100.00) to the Town of Rutledge for a permit to operate at that particular location for up to fourteen (14) consecutive days. (1996 Code, § 9-203)

**9-204. Eligibility.** It is the intent of this section to treat each person, and each firm, corporation and organization, and each agent for same, and each person who as an employee or who in any other capacity for such firm, corporation or organization, is covered by this chapter, as a separate person for the purposes of investigation and payment of the permit fee.

Individuals, firms, corporations and organizations are eligible for a permit under this chapter. Persons applying for an individual permit under this chapter shall complete an application on forms provided by the city, and pay the permit fee. Agents applying for a permit for a firm, corporation, or organization under this chapter shall complete a separate application, and pay a separate permit fee for, the firm, corporation or organization, and the agent and for each individual who as an employee of, or in any other capacity for, the firm, corporation or organization, will engage in the business or conduct of a peddler, solicitor, transient vendor, or street barker. (1996 Code, § 9-204)

**9-205. Permit procedure.** (1) Application form. The application shall be sworn to by the applicant, and shall contain:

(a) Name, date of birth, social security number or other identification number of the applicant, his or her physical description, and a copy of his or her drivers license.

(b) The following complete addresses and telephone numbers of the applicant:

- (i) Permanent.
- (ii) Permanent business.
- (iii) Local residential.
- (iv) Local business.

(c) If the applicant is an agent or employee of a firm, corporation or organization, the written credentials establishing the applicant's employee or any other agency relationship with the firm, corporation or organization.

(d) A statement as to whether or not the applicant has been convicted of any felony within the past ten (10) years, or any misdemeanor other than a minor traffic violation within the past three

(3) years, the date and place of any conviction, the nature of the offense, and the punishment or penalty imposed.

(e) The last three (3) cities, towns, or other political subdivisions (if that many) the applicant engaged in the business or conduct as a peddler, solicitor, solicitor for religious purposes, transient vendor, or street barker immediately prior to making application for a permit under this chapter, and the complete addresses, if any, of the applicant listed under subsection (b) above in those cities, towns or other political subdivisions.

(f) Two (2) photographs of the applicants, taken within sixty (60) days immediately prior to the date of the filing of the application, measuring at least two inches by two inches (2" x 2"), and showing the head and shoulders of the applicant in a clear and distinguishing manner.

(g) A brief description of the type of business and the goods to be sold, or in the case of solicitors for charitable or religious purposes, the function of the organization.

(h) The date for which the applicant intends to do business or make solicitations.

(i) The make, model, complete description, and license tag number and state of issue, of each vehicle the applicant intends to use to make sales or solicitations, whether or not such vehicle is owned by the person making sales or solicitations, or by the firm, corporation or organization itself, or rented or borrowed from another business or person.

(j) Tennessee state sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, solicitor, or transient vendor shall submit with his application a nonrefundable fee of fifty dollars (\$50.00). Each applicant for a permit as a street barker shall submit with his application a nonrefundable fee of twenty-five dollars (\$25.00). There shall be no fee for an application for a permit as a solicitor for charitable or religious purposes.

(3) Denial or approval of permit. (a) Investigation. Upon the receipt of the application and the payment of the permit fee, the chief of police or his authorized designee shall make an investigation of the applicant for the protection of the public health, safety and general welfare of the public. The police chief shall make good faith effort to complete the investigation within three (3) complete working days, excluding Saturdays, Sundays and holidays of the city. If the investigation is not complete within that period, the reasons shall be noted on the application. In no event shall the period of the investigation exceed ten (10) days.

(b) Denial of permit. The city recorder shall deny the applicant permit if the investigation discloses that:

(i) The applicant has been convicted of a felony within the past ten (10) years or has been convicted of a misdemeanor other than a minor traffic violation within the past three (3) years;

(ii) Any information in the application that is materially false or misleading;

(iii) The business reputation of the applicant is such that the applicant constitutes a threat to the public health, safety or general welfare of the citizens of the city; or

(iv) The information supplied in the application is insufficient to permit the chief of police to make a determination under (i), (ii) or (iii) above.

The application of a firm, corporation or organization may be rejected if the investigation discloses no information that would disqualify it for a permit where the investigation of the agent or a prospective peddler, solicitor, street barker or transient vendor for the firm, corporation or organization discloses information that disqualifies any of them for a permit.

(c) Approval of permit. If the investigation discloses no grounds for the denial of the permit, the city recorder shall issue a permit to the applicant.

(d) Appeal of denial. The refusal of the police chief to issue a permit may be appealed to the mayor. The aggrieved applicant, may within ten (10) days following the date the notice of the refusal of the police chief to issue a permit was mailed to the applicant, appeal the refusal by giving the mayor written notice of appeal, stating the grounds for the appeal. The mayor shall set a hearing on the appeal for a date falling within ten (10) days following the date of the receipt of the appeal. The decision of the mayor shall be final.

(4) The permit. The permit shall show the name of the permittee and (if the permittee is a firm, corporation or organization) the name of the solicitor, street barker or transient vendor, the kind of goods and/or services authorized to be sold, the amount of the permit fee paid, the date of issuance of the permit, and the period of the permit, and shall have attached a copy of a photograph of the permittee.

(5) Expiration and renewal of permit. The permit of peddlers, solicitors, solicitors for religious purposes, and transient vendors shall expire sixty (60) days from the date of issuance. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1996 Code, § 9-205, modified)

**9-206. Business license required.** Each person, or each firm, corporation or organization issued a permit under this chapter as a peddler, solicitor, street barker or transient merchant shall be required to obtain an appropriate business license before soliciting or making sales. (1996 Code, § 9-206)

**9-207. Restrictions on permit holders in general.** No person, while conducting the business or activity of peddler, street barker, solicitor, solicitor for religious purposes, transient vender, or street barker, shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city;

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic;

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind;

(4) Call attention to his or her business or merchandise or to his or her solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise; except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city;

(5) Enter or attempt to enter in or upon any residential or business premises wherein the authorized owner, occupant or person legally in charge of the premises has in a conspicuous place posted, at the entry to the premises or at the entry to the principal building of the premises, a sign or placard in letters at least one inch (1") high bearing the notice "Peddlers Prohibited," "Solicitors Prohibited," "Peddlers and Solicitors Prohibited," or similar language of the same import, is located; or

(6) Enter in or upon any residential premises without prior invitation of the authorized owner, occupant or person legally in charge of the premises between 7:00 P.M. and 8:00 A.M. (1996 Code, § 9-207, modified)

**9-208. Additional restrictions on transient vendors.** A transient vendor shall not:

(1) Advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water, or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth is actually of the characters it is advertised, represented or held forth.

(2) Locate temporary premises as the term is defined in this chapter on or in any public street, highway or any other public way or place, or on

private property without the written permission of the property owner or other person in authorized control of the property. (1996 Code, § 9-208)

**9-209. Display of permit, business license, etc.** Each peddler, solicitor, and street barker is required to have in his possession a valid permit and business license, and each transient vendor is required to have in his possession a valid permit, business license, and the written permission of an private property owner, or other person in control of the property owned from which he or she is conducting business, while making sales or solicitations, and all shall be required to display the same to any police officer upon demand. Solicitors for religious purposes shall be required to have in their possession a valid permit. (1996 Code, § 9-209, modified)

**9-210. Revocation of permit.** (1) Causes. The permit issued to any person or to any firm, corporation or organization under this chapter may be revoked by the mayor for any of the following causes:

(a) Fraud, misrepresentation, or false or misleading statement contained in the application for a permit.

(b) Fraud, misrepresentation, or false or misleading statement made by the permittee in the course of the business or conduct of a peddler, solicitor, solicitor for religious purposes, transient vendor or street barker.

(c) Any violation of this chapter.

(d) Any other conduct of the permittee that constitutes a threat to the health, safety or general welfare of the citizens of the city.

(2) The notice of revocation. (a) Mayor's option. The mayor shall have the option of revoking the permit effective immediately after notice, or effective after notice and hearing. However, the mayor shall revoke the permit effective immediately only after a written finding of the reasons that to delay the revocation of the permit would represent an intolerable threat to the health, safety or general welfare of the citizens of the city.

(b) Notice if the permit holder is a person. If the permit holder is a person, the city shall make a reasonable effort to personally deliver the notice of revocation effective to the permit holder. If the permit holder cannot be found after such reasonable effort, the notice shall be sent by registered or certified United States mail to the local residential or business address of the permit holder.

If the permit holder has no local residential or business address, the notice shall be sent to the permit holder's permanent address.

(c) Notice if the permit holder is a firm, corporation or organization. The personal notice provided for above may be given to the agent of the firm, corporation or organization, or to any employee or agent of the firm, corporation, or organization; otherwise, the notice procedure

prescribed by subsection (b) above shall apply where the permit holder is a firm, corporation or organization.

(d) Contents of notice and hearing. The notice shall set forth the specific grounds for revocation of the permit and shall set a hearing on the revocation on a date falling not less than five (5) nor more than (10) days from the date of the notice.

(3) Hearing on the revocation. At the hearing on the revocation of the permit, the permittee shall be entitled to respond to the charges against him or her and to be represented by counsel at his or her expense. The mayor's decision shall be final. (1996 Code, § 9-210, modified)

**9-211. Violations and penalty.** In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provisions of this municipal code of ordinances. (1996 Code, § 9-211)

**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. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Storage of food.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Violations and penalty.

**10-101. Running at large prohibited.** 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.

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.

**10-102. Keeping near a residence or business restricted.** Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand feet (1,000') of any residence, place of business, or public street, as measured in a straight line.

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

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

**10-104. Storage of food.** All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

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

**10-106. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by 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.

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.

**10-107. Violations and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.



## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Violations and penalty.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (*Tennessee Code Annotated*, §§ 68-8-101 to 68-8-113) or other applicable law.

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

**10-203. Running at large prohibited.**<sup>1</sup> 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.

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.

**10-204. Vicious dogs.**<sup>2</sup> (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.

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 68-8-107.

<sup>2</sup>See cases stating the state's authority to regulate vicious dogs: *State of Tennessee v. Denver Hartly*, 15 TAM 23-2 (Tenn. S. Ct. 1990), and *Darnell v. Shappard*, 3 S.W.2d 661 (1928).

(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; or

(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 ordinance; or

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

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

(c) 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. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

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

(3) 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.

(4) Signs. The owner of a vicious dog shall display in a prominent place on his or her 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.

(5) 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.

(6) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of this section provide proof to the city/town 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 or her vicious dog.

(7) **Penalties.** Whoever violates any provision of this section 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.

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood.

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

**10-207. 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. If the dog is wearing a tag or found to be implanted with a microchip, 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.

Any new owner adopting a dog that has not been spayed or neutered must pay a twenty-five dollar (\$25.00) deposit before a dog may be released, as required by the Tennessee Spay/Neuter Law.<sup>1</sup> (modified)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 44-17-501, *et seq.*, "The Tennessee Spay/Neuter Law," prohibits persons from adopting a dog or cat from an agency (pound, animal shelter, etc.) operated by a municipality unless the dog or cat was already spayed or neutered, was spayed or neutered while in the custody of the agency, or the new owner signs a written agreement to have the animal spayed or neutered within 30 days of the adoption if the animal is sexually mature, or within 30

(continued...)

**10-208. 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 policeman or other properly designated officer.<sup>1</sup>

**10-209. Violations and penalty.**

Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

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<sup>1</sup>(...continued)

days after the animal reaches six (6) months of age if it is not sexually mature.

Before an agency may release an animal which has not been spayed or neutered it must collect a twenty-five dollar (\$25.00) deposit from the new owner to ensure compliance with the law. If the new owner does not comply with the law, the deposit is forfeited and the agency may file a petition in court to force the new owner to either comply with the law or return the animal.

An agency may not spay or neuter a dog or cat that is returned to its original owner within seven (7) days of its being taken into custody by the agency.

<sup>1</sup>State law reference

*Tennessee Code Annotated, § 44-17-301, et seq.*

**TITLE 11****MUNICIPAL OFFENSES<sup>1</sup>****CHAPTER**

1. ALCOHOL.
2. MINORS.
3. OFFENSES AGAINST THE PEACE AND QUIET.

**CHAPTER 1****ALCOHOL****SECTION**

- 11-101. Drinking beer, etc., on streets, etc.  
11-102. Minors in beer places.  
11-103. Violations and penalty.

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a beer permit and license for on-premises consumption. (1996 Code, § 11-101)

**11-102. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption.

**11-103. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

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<sup>1</sup>Municipal code references

Residential and utilities: title 12.

Traffic offenses: title 15

## CHAPTER 2

### MINORS

#### SECTION

- 11-201. Short title.
- 11-202. Definitions.
- 11-203. Responsibility of owners of public places.
- 11-204. Parents responsibility.
- 11-205. Special functions.
- 11-206. Procedures.
- 11-207. Enforcement.
- 11-208. Violations and penalty.

**11-201. Short title.** This chapter shall be known and may be cited as the "Ordinance Regulating the Presence and Conduct of Minors on Streets and Public Places." (Ord. #116, \_\_\_ \_\_\_\_\_)

**11-202. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and merely directory.

- (1) "City" is the City of Rutledge, Grainger County, Tennessee.
- (2) "Custodian" is any person over the age of twenty-one (21) who is loco parentis to a juvenile.
- (3) "Guardian" is any person other than a parent, who has legal guardianship of a minor.
- (4) "Minor" is any person under the age of eighteen (18).
- (5) "Parent" is the natural or adoptive parent of a minor.
- (6) "Public place" shall mean any street, alley, and highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public cafe, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above. (Ord. #116, \_\_\_\_\_)

**11-203. Responsibility of owners of public places.** It shall be unlawful for any person, firm, or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors under the age of eighteen (18) between the hours listed in § 11-203. (Ord. #116, \_\_\_\_\_)

**11-204. Parents responsibility.** It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of eighteen (18) to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on, or in, any public property or public place within the city. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor, or if the minor is on emergency errand or specific business or if the parent, guardian or other adult person herein has made a missing person notification to the county or city law enforcement department. (Ord. #116, \_\_\_\_\_, modified)

**11-205. Special functions.** Any minor attending a special function or entertainment of any church, school, club, or organization that requires such minor to be out at a later hour shall be exempt from the of this chapter, provided the minors who attend the function required to be their homes or usual places of abode within on half hour after the function is ended. (Ord. #116, \_\_\_\_\_, modified)

**11-206. Procedures.** Any law enforcement officer, upon finding a minor in violation of this chapter, shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his home or usual place of abode. The law enforcement officer shall notify the parent's, guardian, or person having custody or control of such minor. If such minor refuses to heed such warning or direction by any law enforcement officer or refuses to give the officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of the curfew, he or she shall be taken to the police department and or law enforcement agency and the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to juvenile authorities or the department of children services. (Ord. #116, \_\_\_\_\_, modified)

**11-208. Enforcement.** The enforcement of this chapter shall be by any law enforcement officers, including the sheriff, sheriff's deputies, constables, Tennessee Highway Patrol, and city patrol officers. (Ord. #116, \_\_\_\_\_)

**11-209. Violations and penalty.** Any minor violating the provisions of this chapter shall be dealt with in accordance with the city court procedure. Any parent, guardian, or other adult person, firm or corporation violating this chapter shall, be fined not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00) for each violation. (Ord. #116, \_\_\_\_\_)

## CHAPTER 3

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

**11-301. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (Ord. #137, Oct. 2017)

**11-302. Anti-noise regulations.** Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

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



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

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

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

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

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

(c) Commercial, noncommercial and nonprofit use of loud speakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are commercial and noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit thereof is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (Ord. #137, Oct. 2017, modified)

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES**

[RESERVED FOR FUTURE USE]

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. SLUM CLEARANCE.
2. JUNKYARDS.
3. EROSION AND SEDIMENTATION CONTROL ORDINANCE.
4. HEALTH AND SANITATION NUISANCES.
5. JUNKED MOTOR VEHICLES.

#### CHAPTER 1

#### SLUM CLEARANCE<sup>2</sup>

#### SECTION

- 13-101. Findings of board.
- 13-102. Definitions.
- 13-103. "Public officer" designated; powers.
- 13-104. Initiation of proceedings; hearings.
- 13-105. Orders to owners of unfit structures.
- 13-106. When public officer may repair, etc.
- 13-107. When public officer may remove or demolish.
- 13-108. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-109. Basis for a finding of unfitness.
- 13-110. Service of complaints or orders.
- 13-111. Enjoining enforcement of orders.
- 13-112. Additional powers of public officer.
- 13-113. Powers conferred are supplemental.
- 13-114. Structures unfit for human habitation deemed unlawful.

**13-101. Findings of board.** Pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*, the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health,

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<sup>1</sup>Municipal code references

Toilet facilities in beer places: § 8-213(10).

<sup>2</sup>State law reference

*Tennessee Code Annotated*, title 13, chapter 21.

safety and morals, or otherwise inimical to the welfare of the residents of the city.

**13-102. Definitions. Dwelling** means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**Governing body** shall mean the board of mayor and aldermen charged with governing the city.

**Municipality** shall mean the City of Rutledge, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

**Owner** shall mean the holder of title in fee simple and every mortgagee of record.

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

**Place of public accommodation** means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

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

**Public officer** means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*

**Structure** means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

**13-103. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the chief of police of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the chief of police.

**13-104. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating

the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

**13-105. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

**13-106. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

**13-107. When public officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

**13-108. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional

evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in *Tennessee Code Annotated*, § 67-5-2010 and § 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Grainger County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Rutledge to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

**13-109. Basis for a finding of unfitness.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Rutledge. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness.

**13-110. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit

to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city, or, in the absence of such newspaper, one (1) printed and published in the county and circulating in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Grainger County, Tennessee, and such filing shall have the same force and effect as other *lis pendens* notices provided by law.

**13-111. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

**13-112. Additional powers of public officer.** The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

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

**13-113. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

**13-114. Structures unfit for human habitation deemed unlawful.**

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

Violations of this section 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

### JUNKYARDS

#### SECTION

- 13-201. Definitions.
- 13-202. Junkyard screening.
- 13-203. Screening methods.
- 13-204. Requirements for effective screening.
- 13-205. Maintenance of screens.
- 13-206. Utilization of highway right-of-way.
- 13-207. Non-conforming junkyards.
- 13-208. Permits and fees.
- 13-209. Violations and penalty.

**13-201. Definitions.** **Junk** shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

**Junkyard** shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

**Person** means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

**Recycling center** means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

**Screening** means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the city.

**13-202. Junkyard screening.** Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter.

**13-203. Screening methods.** The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen.

**13-204. Requirements for effective screening**. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the city. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

**13-205. Maintenance of screens**. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the city.

If not replaced within sixty (60) days the city may replace said screening and require payment upon demand.

**13-206. Utilization of highway right-of-way**. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is

prohibited; this shall include temporary use for the storage of junk pending disposition.

**13-207. Non-conforming junkyards.** Those junkyards within the city and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained.
- (2) There must be existing property rights in the junk or junkyard.
- (3) Abandoned junkyards shall no longer be lawful.
- (4) The location of the junkyard may not be changed for any reason.

If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the city.

- (5) The junkyard may not be extended or enlarged.

**13-208. Permits and fees.** It shall be unlawful for any junkyard located within the city to operate without a "junkyard control permit" issued by the city.

(1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The city's's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the city.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued.

**13-209. 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 3

### EROSION AND SEDIMENTATION CONTROL ORDINANCE

#### SECTION

- 13-301. Short title.
- 13-302. Site plans.
- 13-303. Submission of plans.
- 13-304. Grading permit and bond.
- 13-305. Technical assistance.
- 13-306. Site plan standards.
- 13-307. Violations and penalty.

**13-301. Short title.** This chapter shall be known as the "Erosion and Sedimentation Control Ordinance of the Town of Rutledge, Tennessee." (1996 Code, § 13-301)

**13-302. Site plans.** If land, except for single-family residence, is to be developed by making changes to the land contour by grading, filling, excavating, removal or destruction of topsoil, or vegetative covering thereon, the developer shall prepare a site plan for erosion and sedimentation control. This plan shall be approved by the city prior to the issuance of required permits. For non-subdivided developments, the subdivision developments, the plan shall be submitted to the Grainger County Planning Commission for approval. (1996 Code, § 13-302)

**13-303. Submission of plans.** The development of non-subdivided sites, erosion and sedimentation control site plans shall be presented for review and approval prior to the grading of the site. Proposed subdivided erosion and sedimentation control plans shall be submitted to the Rutledge Regional Planning Commission for approval at the time that the preliminary development plat is submitted for approval. (1996 Code, § 13-303)

**13-304. Grading permit and bond.** Following approval of the erosion and sedimentation control plan by the appropriate administrative authority, a grading permit shall be issued until a bond is posted in the amount determined to be reasonable by the building inspector following completion of construction and acceptance of erosion and sedimentation control measures. (1996 Code, § 13-304)

**13-305. Technical assistance.** Through a memorandum of understanding with the Town of Rutledge, Tennessee, the Grainger County Soil Conservation District staff is available for consultation and advice concerning

erosion and sedimentation problems to all persons planning to develop land. (1996 Code, § 13-305)

**13-306. Site plan standards.** (1) Topography. The development plan should be fitted to the topography and soils in order to minimize erosion potential.

(2) Development coordination. Erosion and sedimentation control measures shall be coordinated with the required steps in construction, and appropriate control measures installed prior to the start of construction.

(3) Sequential control measures. Land shall be developed in increments of workable size, on which adequate controls of erosion and sedimentation can be provided and maintained during the construction period. Operations shall be staged so that the area being developed is not exposed for a long period of time without stabilization and so that the first disturbed areas are completely controlled before the next season is opened. The developer shall be required to schedule sequentially phased controls of erosion and sedimentation as coordinated with the development and construction stages, and shall specify in detail precisely which areas will be cleared first, and how long these areas will be exposed to the elements. No exposure period will be planned in excess of one hundred twenty (120) days. This period may be extended if satisfactory control measures are established and maintained.

(4) Runoff controls. Provisions shall be made to accommodate the increased runoff caused by changed soil surface conditions during the following developments. Runoff must be intercepted and safely conveyed to storm drains or natural outlets where it will not erode or flood land. The drainage system for the development shall be completed and made operational as quickly as possible during construction.

(5) Cover. Wherever feasible, natural vegetation shall be retained and protected. Temporary vegetation and/or mulching shall be used to protect areas exposed during development where necessary.

(6) Sediment basins. (Debris basins, desilting basins or silt traps) sediment basins shall be installed and maintained to collect sediment from runoff waters from land undergoing development. Storm sewer inlets with debris guards and micro-silt basins to trap sediment and avoid possible damage by blockage shall be provided.

(7) Final vegetation and structures. The permanent vegetation structures shall be installed as soon as practical in the development.

(8) Paved areas. Streets, parking lots and other areas shall be paved as quickly as practical. (1996 Code, § 13-306)

**13-307. Violations and penalty.** Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for

each offense. Each day such violation shall continue shall constitute a separate offense. (1996 Code, § 13-307)

## CHAPTER 4

### HEALTH AND SANITATION NUISANCES

#### SECTION

13-401. General provisions.

13-402. Dead animals.

13-403. Cleanup of owner-occupied property.

13-404. Violations and penalty.

**13-401. General provisions.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (Ord. #118, \_\_\_ \_\_\_\_\_)

**13-402. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or dispose of such animal in such manner as directed by law. (Ord. #118, \_\_\_ \_\_\_\_\_)

**13-403. Cleanup of owner-occupied property.** When the owner of an owner-occupied residential property fails or refuses to remedy the condition within (20) days after receiving the notice, the city or person designated by the city to enforce the provisions of this chapter 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. (Ord. #118, \_\_\_ \_\_\_\_\_)

**13-404. 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 5****JUNKED MOTOR VEHICLES****SECTION**

- 13-501. Definitions.
- 13-502. Violations a civil offense.
- 13-503. Exceptions.
- 13-504. Enforcement.
- 13-505. Violations and penalty.

**13-501. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings.

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earthmoving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective, including but not limited to, any one (1) or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including,



but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (Ord. #117, \_\_ \_\_\_\_\_)

**13-502. Violations a civil offense.** It shall be unlawful and a civil offense for any person:

(1) To park and/or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle. (Ord. #117, \_\_ \_\_\_\_\_)

**13-503. Exceptions.** (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any

zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (Ord. #117, \_\_ \_\_\_\_\_)

**13-504. Enforcement.** Pursuant to *Tennessee Code Annotated*, § 7-63-101, the zoning officer is authorized to issue ordinance summons for violations of this ordinance on private property. The zoning officer shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the zoning officer finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the zoning officer may:

(1) Request the city judge to issue a summons; or

(2) Request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by *Tennessee Code Annotated*, §§ 7-63-101, *et seq.*, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. In addition, pursuant to *Tennessee Code Annotated*, § 55-5-122, the municipal court may issue an order to remove vehicles from private property. (Ord. #117, \_\_ \_\_\_\_\_)

**13-505. Violations and penalty.** Any person violating this chapter shall be subject to a civil penalty of up to fifty dollars (\$50.00), plus court costs for each separate violation of this chapter as determined by the city judge. Each day the violation of this chapter continues shall be considered a separate violation. (Ord. #117, \_\_ \_\_\_\_\_)

## TITLE 14

### ZONING AND LAND USE CONTROL

#### CHAPTER

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

#### CHAPTER 1

### MUNICIPAL PLANNING COMMISSION

#### SECTION

- 14-101. Membership.
- 14-102. Organization, rules, staff, finances.
- 14-103. Powers and duties.
- 14-104. Opting out of planning commission training requirements.

**14-101. Membership.** (1) The Rutledge Municipal Planning Commission shall consist of five (5) members, with one (1) being the mayor or his or her designee, one (1) being an alderman as selected by the board of aldermen, and three (3) being citizen members, as selected by the mayor.

(2) The terms of the citizen members shall be for three (3) years with one (1) term expiring on June 30 of each year. The terms of elected officials shall be coterminous with their terms of office. (Ord. #138, Nov. 2018)

**14-102. Organization, rules, staff, finances.** The municipal planning commission shall elect its chairman from among its appointment members. The term of chairman shall be one (1) year with eligibility for reelection. The commission shall adopt rules for the transactions, findings, and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the board of mayor and aldermen. (1996 Code, § 14-102)

**14-103. Powers and duties.** From and after the time when the municipal planning commission shall have organized and selected its officers together with the adoption of its rules of procedure, then said commission shall have all the powers, duties, and responsibilities as set forth in the *Tennessee Code Annotated*, §§ 13-4-101 through 13-4-105, §§ 13-4-301 through 13-4-309

and §§ 13-7-201 through 13-7-210, or other sections relating to the duties and powers of municipal planning commissions adopted subsequent thereto. (1996 Code, § 14-103)

**14-104. Opting out of planning commission training requirements.** The Rutledge Board of Mayor and Alderman hereby opts out of the requirement that all planning commission members receive four (4) hours of training annually. (Ord. #119, Nov. 2011)

## CHAPTER 2

### ZONING ORDINANCE

#### SECTION

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Rutledge shall be governed by Ordinance #95, Nov. 2006, titled "Zoning Ordinance, Rutledge, Tennessee," and any amendments thereto.<sup>1</sup> (Ord. #95, Nov. 2006)

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<sup>1</sup>Ordinance #95, Nov. 2006, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## CHAPTER 3

### MOBILE HOME PARKS

#### SECTION

14-301. Development requirements.

**14-301. Development requirements.** The following regulations shall apply to mobile home parks:

(1) Applications for mobile home parks shall be reviewed and approved by the Rutledge Planning Commission. The planning commission will make recommendations to the mayor and board of aldermen.

(2) Application for review must conform to site plan guidelines.

(3) No parcel of land containing less than one (1) acre and less than two (2) mobile home spaces, available at the time of first occupancy, shall be used for a mobile home park.

(4) There shall be provided at least a thirty-foot (30') open space with a planted landscape buffer along all sides of the mobile home park.

(5) Mobile home spaces shall be clearly defined and mobile homes parked so that there will be at least twenty feet (20') of clear space between mobile homes or any attachment, such as garage or porch, and twenty feet (20') between mobile homes and any building or structure.

(6) The individual plot sizes for mobile home spaces shall be determined as follows:

(a) Minimum width shall be equal to the width of the mobile home plus twenty feet (20').

(b) Minimum depth shall be equal to the width of the mobile home plus thirty feet (30').

(c) All mobile home parks must have paved streets a minimum of thirty feet (30') wide paved with bituminous hot mix.

(7) Any plot containing at least two (2) mobile home spaces shall be defined as a mobile home park and must conform to this chapter.

(8) All mobile home parks must be served by a public water and sewer system.

(9) All mobile home parks containing two (2) or more spaces requesting city water and sewage service must first obtain the approval of Rutledge Planning Commission and the Rutledge Mayor and Board of Aldermen. (1996 Code, § 14-301)

## CHAPTER 4

### FLOODPLAIN ORDINANCE

#### SECTION

- 14-401. Authorization, findings, purpose and objectives.
- 14-402. Definitions.
- 14-403. General provisions.
- 14-404. Administration.
- 14-405. Provisions for flood hazard reduction.
- 14-406. Variance procedures.
- 14-407. Conflict with other ordinances.
- 14-408. Violations and penalty.

#### **14-401. Authorization, findings, purpose and objectives.**

(1) Statutory authorization. The legislature of the State of Tennessee has in *Tennessee Code Annotated*, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Rutledge, Tennessee, Mayor and Aldermen, do ordain as follows.

#### (2) Findings of fact.

(a) The City of Rutledge, Tennessee, Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in 44 C.F.R. ch. 1, § 60.3.

(b) Areas of the City of Rutledge, 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.

(c) 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.

(3) Statement of purpose. 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. 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.

(4) Objectives. The objectives of this chapter are:

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

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

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

(d) To minimize prolonged business interruptions;

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

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

(g) To ensure that potential home buyers are notified that property is in a floodprone area; and

(h) To maintain eligibility for participation in the NFIP.

(Ord. #114, Aug. 2010)

**14-402. 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) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "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.

(4) "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.

(5) "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.

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

(7) "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.

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

(9) "Building." See "structure."

(10) "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.

(11) "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.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. 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.

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

(14) "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.

(15) "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.

(16) "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.

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

(18) "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).

(19) "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.

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

(20) "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.

(21) "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.

(22) "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.

(23) "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.

(24) "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.

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

(26) "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.

(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) "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.

(29) "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.

(30) "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.

(31) "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.

(32) "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.

(33) "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.

(34) "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.

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

(36) "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 Rutledge, 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.

(37) "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.

(38) "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.

(39) "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.

(40) "Manufactured home" means a structure, transportable in one (1) 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."

(41) "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.

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

(43) "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.

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

(45) "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.

(46) "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.

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

(48) "100-year flood." See "base flood."

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

(50) "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.

(51) "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.

(52) "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.

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

(54) "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.

(55) "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.

(56) "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.

(57) "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.

(58) "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.

(59) "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.

(60) "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."

(61) "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.

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

(63) "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.

(64) "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. #114, Aug. 2010)

**14-403. General provisions.** (1) Application. This chapter shall apply to all areas within the incorporated area of the City of Rutledge, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Rutledge, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47057C0100C and 47057C0125C, dated December 16, 2008, 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 Rutledge, 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. #114, Aug. 2010)

**14-404. Administration.** (1) Designation of ordinance administrator. The zoning officer 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 non-residential 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 non-residential floodproofed building will meet the floodproofing criteria in § 14-405(1) and (2).

(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 non-residential 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 non-residential 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 section 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 FIRMs 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 subsection (2) above.

(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 subsection (2) above.

(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 subsection (2) above.

(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 Rutledge, Tennessee FIRM meet the requirements of this chapter.

(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. #114, Aug. 2010)

**14-405. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

(b) 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.

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

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

(e) 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;

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

(g) 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;

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

(i) 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;

(j) 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 non-conformity is not further extended or replaced;

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

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-405(2);

(m) 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;

(n) 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.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-405(1), are required:

(a) 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 § 14-402). 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."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential 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 non-residential 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 § 14-402). 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."

Non-residential 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 watertight, 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 § 14-404(2).

(c) 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.

(i) 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.

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

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

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

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

(iii) 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 § 14-405(2).

(d) Standards for manufactured homes and recreational vehicles.

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

(A) Individual lots or parcels;

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

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

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

(A) 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

(B) 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 § 14-402).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-405(1) and (2).

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

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

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

(B) 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

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

(e) 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.

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

(ii) 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.

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

(iv) In 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 § 14-405(5).)

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-403(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:

(a) 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 Rutledge, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2).

(4) 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 § 14-403(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) 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.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-403(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.

(a) 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 (5)(b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-405(1) and (2).

(b) 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.

(c) 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 § 14-402). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-404(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-405(2).

(d) 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 Rutledge, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2). Within approximate A Zones, require that those subsections of § 14-405(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-403(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 § 14-405(1) and (2), apply:

(a) 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 § 14-405(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight 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 § 14-404(2).

(c) Adequate drainage paths shall be provided around slopes to guide flood-waters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-403(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-404 and 14-405 shall apply.

(8) Standards for unmapped streams. Located within the City of Rutledge, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) 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.

(b) 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 §§ 14-404 and 14-405. (Ord. #114, Aug. 2010)

**14-406. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The City of Rutledge, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals 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 municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals 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 municipal board of zoning appeals 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 dollars (\$20.00) for the

cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals 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 forty-five (45) 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.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) 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.

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

(A) The City of Rutledge, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) 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.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

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

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

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

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

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

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

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

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

(9) 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;

(10) 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.

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

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances.

(a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-404(1).

(b) 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.

(c) 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.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #114, Aug. 2010)

**14-407. Conflict with other ordinances.** In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the City of Rutledge, Tennessee, the most restrictive shall in all cases apply. (Ord. #114, Aug. 2010)

**14-408. 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 ordinance or fails to comply with any of its requirements shall, upon adjudication therefor, be fined as prescribed by *Tennessee Statutes Annotated*, 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 Rutledge, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #114, Aug. 2010)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING

#### CHAPTER

1. MISCELLANEOUS.
2. SPEED LIMITS.
3. PARKING.
4. TRUCK TRAFFIC.

#### CHAPTER 1

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

#### SECTION

15-101. Adoption of state traffic statutes.

15-102. Compliance with financial responsibility law required.

**15-101. Adoption of state traffic statutes.** By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the city adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the city adopts *Tennessee Code Annotated*, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-8-199 by reference as if fully set forth in this section.

**15-102. Compliance with financial responsibility law required.**

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the

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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 where death or injury occurs, as prohibited by *Tennessee Code Annotated*, § 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-50-504; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

time of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under *Tennessee Code Annotated*, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit physical evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility, or electronic evidence pursuant to *Tennessee Code Annotated*, § 55-12-139, was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected.

## CHAPTER 2

### SPEED LIMITS

#### SECTION

- 15-201. In general.
- 15-202. At intersections.
- 15-203. On side streets.
- 15-204. In school zones.
- 15-205. In congested areas.
- 15-206. Enforcement.
- 15-207. On a portion of U.S. Highway 11-W.

**15-201. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon Highway 11W at a rate of speed in excess of forty-five (45) miles per hour except where official signs have been posted indicating other speed limits, in which cases, the posted speed limit shall apply. (1996 Code, § 15-101)

**15-202. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1996 Code, § 15-102)

**15-203. On side streets.** It shall be unlawful for any person to operate or drive a motor vehicle upon any side street, or Highway 92, at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which case the posted speed limit shall apply. (1996 Code, § 15-103)

**15-204. In school zones.** Pursuant to *Tennessee Code Annotated*, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits 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.

In school zones where the board of mayor and aldermen 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.)

**15-205. 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, § 15-105)

**15-206. Enforcement.** The enforcement of this chapter shall be by any law enforcement officers, including the sheriff, sheriff's deputies, constables, Tennessee Highway Patrolmen and city police officers. (1996 Code, § 15-106)

**15-207. On a portion of U.S. Highway 11-W.** The speed limit for that portion of U.S. Highway 11-W from the bridge at Uriel Edde residence to Avondale Road and Rutledge city limits is hereby increased from forty-five (45) miles per hour to fifty (50) miles per hour. (1996 Code, § 15-107)

## CHAPTER 3

### PARKING

#### SECTION

15-301. On Main Street.

15-302. Where prohibited.

15-303. Long-term parking or keeping of cargo trailers or other containers.

**15-301. On Main Street.** Parking on Main Street, between the alley separating the property of George D. Beets and George West, and the alley separating the property of Mrs. J. H. Campbell and the property of Mr. and Mrs. H. T. Boston or the Rutledge Inn, shall be made angle parking on the south side of Main Street and parallel on the north side of Main Street in spaces designated and marked for parking. Any other method of parking or in spaces other than those designated shall constitute illegal parking.

Parking in the above designated area on Main Street shall be limited to one (1) hour between the hours of 8:00 A.M. and 6:00 P.M.

There shall not be permitted and it shall be unlawful for any person or persons to park a motor vehicle on either side of Depot Street, within the area between Main Street and Water Street.

Parking for the loading and unloading of merchandise shall be within designated spaces for said purpose.

The enforcement of this section shall be by any law enforcement officers, including the sheriff, sheriff's deputies, constables, highway troopers and city police officers.

Any violator of any portion of said section shall be warned of said violation. After the second warning, should said violation be continued or repeated, said violator or violators shall be cited before the city recorder of the said City of Rutledge, for said violation and shall be fined a sum of not less than two dollars (\$2.00), nor more than ten dollars (\$10.00) for each violation. (1996 Code, § 15-201)

**15-302. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the 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) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (7) Upon any bridge.

(8) Alongside any curb painted yellow or red by the municipality.

(9) On old 11W located in the east section of city, better known as Cherry Street, or old 11W, located in the west section of city, better known as Bryan Road.

(10) Central Point Road from Highway 92, located in the south east section of city, extending to city limits.

(11) Poor Valley Road better known as Coffey Lane, from Highway 11W, extending north to city limits.

The enforcement of this section shall be by any law enforcement officers, including the sheriff, sheriff's deputies, constables, Tennessee Highway Patrolmen and city police officers.

Any violator of any portion of this section shall be warned of said violation. After the first warning, violator shall be cited to pay a fine in the sum of five dollars (\$5.00). (1996 Code, § 15-202)

**15-303. Long-term parking or keeping of cargo trailers or other containers.** (1) It shall be unlawful for any permit, on premises owned, occupied, or controlled by him, the long-term parking or keeping of cargo trailers or other containers designed or used to store, haul or transport merchandise, freight, refuse, or other materials whether used for private or commercial purposes, and all those vehicles which were converted from other uses for such purposes.

(2) Long-term shall be defined as any single period beyond thirty (30) days.

(3) An exception to this prohibition is made by permitting long-term parking or keeping of such trailers, vans or other containers which are owned by persons owning, occupying, or controlling the premises and which:

(a) Are clearly designed for private recreational use of said persons; or

(b) Have been regularly and recently (within the last thirty (30) days) driven or transported in the pursuit of the occupation or commercial enterprise of said persons. (Ord. #104, April 2009)

**CHAPTER 4****TRUCK TRAFFIC****SECTION**

15-401. Heavy truck traffic on Hodge Drive.

**15-401. Heavy truck traffic on Hodge Drive.** (1) It shall be unlawful for any person to operate upon Hodge Drive any freight motor vehicle, tractor-trailer, or semi-trailer with more than a single rear axle.

(2) Exceptions to this section include the following:

(a) Vehicles making occasional local deliveries;

(b) Emergency vehicles;

(c) School buses;

(d) Construction-related vehicles in the performance of temporary activities;

(e) Trucks owned or operated by the city, the county, other governmental entities, or any utility in the conduct of official business; and

(f) Any such truck under contract with the city, county, other governmental entity, or utility in the occasional conduct of official business.

(3) Any person violating this section shall be subject to a civil penalty not exceeding fifty dollars (\$50.00) plus court costs for each separate violation of this section. (Ord. #134, April 2017)

**TITLE 16**

**STREETS AND SIDEWALKS, ETC<sup>1</sup>**

[RESERVED FOR FUTURE USE]

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**TITLE 17**

**REFUSE AND TRASH DISPOSAL**

[RESERVED FOR FUTURE USE]

**TITLE 18**

**WATER AND SEWERS<sup>1</sup>**

**CHAPTER**

1. WATER AND SEWER REGULATIONS.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1**

**WATER AND SEWER REGULATIONS**

**SECTION**

- 18-101. Water and sewer rates.
- 18-102. Meters.
- 18-103. Billing.
- 18-104. Service call charges.
- 18-105. Tapping or connection fee.
- 18-106. Permit and deposit required for service.
- 18-107. Tampering with meters prohibited.
- 18-108. Inspection fee.
- 18-109. All plumbing, etc. shall conform to the plumbing code.
- 18-110. Rate changes.
- 18-111. City may refuse service.

**18-101. Water and sewer rates.** (1) The following water usage charges shall be and hereby are, adopted to replace all water usage charges heretofore adopted by the board of mayor and alderman on behalf of the City of Rutledge, Tennessee:

**Residential Rates**

First 2,000 gallons	\$20.50 (minimum)
Over 2,000 gallons	\$8.00 per 1,000 gallons

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<sup>1</sup>Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

Water department: title 20, chapter 4.

### Commercial Rates

First 2,000 gallons	\$21.50 (minimum)
Over 2,000 gallons	\$9.25 per 1,000 gallons

### Optional Fees

Leak protection	\$1.85 per month - residential
Water line protection	\$4.40 per month
Sewer line protection	\$6.50 per month
Leak protection	\$4.40 per month - commercial
Water line protection	\$13.50 per month

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(2) The following water service charges and fees shall be and hereby are adopted to replace all water service charges and fees heretofore adopted by the board of mayor and alderman on behalf of the City of Rutledge, Tennessee:

### Residential Service Charges and Fees:

Owner	\$60.00
Rental	\$80.00
Water tap	\$750.00 (plus 10% of actual cost)
Apartment transfer	\$45.00 (in same complex)
Transfer (other)	\$45.00
Reconnection fee	\$50.00
Reread meter fee	\$30.00
Return check fee	\$35.00
Meter profile fee	\$30.00 (first one is free)
Meter replacement fee	\$1.00 per month



### **Commercial Service Charges and Fees:**

Owner	\$65.00
Rental	\$85.00
Water tap	\$1,000.00 (plus 10% of actual cost)
Reconnection fee	\$50.00
Reread meter fee	\$30.00
Return check fee	\$35.00
Meter profile fee	\$30.00 (first one is free)
Meter replacement fee	\$1.00 per month

(a) A reread meter fee will be charged (per request) if the customer requests meter to be reread more than one (1) time per calendar year. A meter profile fee will be charged (per request after first one (1)) if the customer requests a day by day or hour by hour breakdown of meter readings.

(b) All balances due including current balance plus reconnection fee must be paid in full before services can be reconnected if services are disconnected for non-payment. Reconnection will only be done during regulat business hours of the water superintendent.

(c) A penalty will be applied to any unpaid balance on the fifteenth of each month. If payment is not made in full by the twenty-fifth of the month service will be disconnected without any notice. Failure to receive a statement does not relieve customer of payment and penalty.

(3) The following sewer usage charges shall be and hereby are, adopted to replace all sewer usage charges heretofore adopted by the board of mayor and alderman on behalf of the City of Rutledge, Tennessee:

#### **Residential Rates**

First 2,000 gallons	\$24.50 (minimum)
Over 2,000 gallons	\$9.25 per 1,000 gallons

#### **Commercial Rates**

First 2,000 gallons	\$26.00 (minimum)
Over 2,000 gallons	\$9.70 per 1,000 gallons

(4) The following sewer service charges shall be and hereby are adopted to replace all sewer service charges heretofore adopted by the board of mayor and alderman on behalf of the City of Rutledge, Tennessee:

#### **Residential Service Charges**

Owner	\$60.00
Rental	\$80.00
Sewer tap	\$750.00 (plus 10% of actual cost)

#### **Commercial Service Charges**

Owner	\$65.00
Rental	\$80.00
Sewer tap	\$1,000.00 (plus 10% of actual cost)

(5) The City of Rutledge requires the following documents to be approved for water/sewer service:

- (a) Valid driver's license or picture ID;
- (b) Social Security number; and
- (c) If renting a copy of rental/lease agreement.

The City of Rutledge reserves the right to refuse service if any of these documents are not provided.

(6) This section applies to Clinchview Apartments located on Cherry Street. Anytime that there is a request to turn a meter on for the purpose of cleaning the apartment there will be a thirty dollar (\$30.00) service charge for turning the meter on.

(7) Sewer adjustments will be approved by the city recorder on a case by case basis. Sewer adjustments will not be approved for any water that goes through the sewer system (exp. toilet leaks).

(8) If at any time we find that Rutledge utility equipment (ex. water meters or covers) have been damaged or broken, the person whose name is on the account will be responsible for the cost of the repairs or replacement of the equipment whether they caused the damage or someone else did it. If repairs are not paid by date on statement water service will be disconnected and a reconnection fee will be applied.

(9) In the event of the utility customer's death, the next of kin or executor of the estate has sixty (60) days to transfer the services to their name.

Services are subject to disconnection if not transferred and all outstanding balances paid in full. Transfer fee is fifty dollars (\$50.00).

(10) Any section or portion of regulations, by-laws, resolutions, and ordinances previously enacted by the City of Rutledge, in conflict with this section shall be, and hereby are, repealed.

(11) The water and sewer usage charges and the service charges and fees are hereby adopted and shall be effective July 1, 2022. (Ord. #153, June 2022)

**18-102. Meters.** All water meters shall be read monthly to the nearest one hundred (100) gallons and bills rendered monthly based on such reading. All bills shall be due and payable from and after the date such bills are rendered, at the office of the recorder or other designated person, during the regular hours of business.

In the event any meter shall be found to be inoperative at the end of any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible, and the bill for water used during the current period shall be the average of the last three (3) monthly bills. (1996 Code, § 18-102)

**18-103. Billing.** If any bill for water and or sewer service shall be and remain due and unpaid for as long as fifteen (15) days after rendition, there shall be an additional charge of ten percent (10%) added thereto.

If any bill for water or sewer service shall be and remain past due and unpaid as long as thirty (30) days, water service to such delinquent customer shall be disconnected and shall not be re-connected until all past due bills are paid in full, together with a re-connection charge of seven dollars fifty cents (\$7.50). It shall be the duty of the city recorder and or other designated persons to notify the operator of the water system of such delinquency, who shall proceed immediately to the premises of the customer so in arrears and disconnect service. (1996 Code, § 18-103)

**18-104. Service call charges.** The Mayor and Board of Aldermen of the City of Rutledge, Tennessee, shall establish rules and regulations for regulating charges for service calls when said water and/or sewer customer's request the service call, as follows:

Domestic and commercial customers shall pay a service call charge of seven dollars fifty cents (\$7.50) if a problem is found to be on the customer's side of the meter. At the customer's request, the water superintendent will repair said problem for the cost of labor and materials. (1996 Code, § 18-104)

**18-105. Tapping or connection fee.** (1) Tapping or connection fees for water be increased as follows effective January 1, 1998:

(a) Domestic customers - 3/4' x 5/8" meter: five hundred dollar (\$500.00) tap; or

(b) Commercial customers - seven hundred fifty dollar (\$750.00)/tap or 1.1 x actual cost, whichever is larger.

(2) Tapping or connection fees for sewer be increased as follows effective January 1, 1998:

(a) Domestic customers: five hundred dollars (\$500.00)/tap; or

(b) Commercial customers: seven hundred fifty dollars (\$750.00) or 1.1 x actual cost, whichever is larger. (1996 Code, § 18-105)

**18-106. Permit and deposit required for service.** Each customer shall, before connecting with the water and sewer systems, obtain a permit from the city recorder and/or other designated persons, and shall deposit thirty dollars (\$30.00) domestic (water), forty dollars (\$40.00) commercial (water), thirty dollars (\$30.00) domestic (sewer), forty dollars (\$40.00) commercial (sewer), as security for the prompt payment of all accounts of the subscriber with the system, which deposit shall be returned to the subscriber upon termination of the services, if all charges due the system have been paid. In the event that the subscriber becomes in arrears in such charges, then such deposit shall be used in whole, or in part, in liquidation of same, and the deposit by the subscriber shall be his consent to such use in such an event. All such deposits shall be retained in a separate account to be accounted for at the termination of service, except in the case of a subscriber becoming in arrears in charges, at which time the deposit may be withdrawn from the special account and applied to the payment of the delinquent charge, provided however, that this deposit may be waived in the case of over occupied property at the discretion of the city officials.

All commercial and industrial customers requesting a water and/or sewer tap be required to submit building plans, and to include commercial and industrial applications, estimated water usage, estimated volume and type of wastewater generated, proposed grade changes and site elevations, proposed paved road and parking areas.

They shall be required to deposit an estimated cost amount with the city recorder and/or other designated person, to cover approximately 1.1 x actual cost from the main water and/or sewer lines leading to the privately owned property line.

Upon completion of the installation any overpayment will be refunded to said customer or any due the city shall be paid in full at that time. (1996 Code, § 18-106)

**18-107. Tampering with meters prohibited.** It shall be unlawful for any person and/or persons to tamper or change any water meter, or to make any connection to the system without permission from the city recorder, and/or other designated person or to re-connect service, when it has been disconnected for

non-payment of a bill for service, until such bill has been paid in full, including the re-connection fee. Upon conviction, there shall be a penalty imposed of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00). (1996 Code, § 18-107)

**18-108. Inspection fee.** The inspection fee shall be seven dollars and fifty cents (\$7.50). This revenue will be paid to the water superintendent. (1996 Code, § 18-108)

**18-109. All plumbing, etc. shall conform to the plumbing code.** All plumbing, including pipes, valves, fittings and interior fixtures shall conform to the plumbing code and meet the applicable minimum health and sanitation standards of the state and city. (1996 Code, § 18-109)

**18-110. Rate changes.** (1) Since the issuance and sale of one hundred fifty-five thousand dollars (\$155,000.00) in waterworks revenue and tax bonds dated February 1, 1958, waterworks revenue and tax bonds approved for issuance and sale by the Mayor and Board of Alderpersons of the City of Rutledge, Tennessee, March 1, 1975, in the amount of seventy thousand dollars (\$70,000.00), sewer system revenue and tax bonds approved for issuance and sale by the Mayor and Board of Aldermen of the City of Rutledge, Tennessee, February 16, 1970, in the amount of two hundred seventeen thousand dollars (\$217,000.00), is predicated upon a covenant by the City of Rutledge to maintain rates for the services provided by the water and/or sewer systems as shall produce income and revenue sufficient when combined with other legally available funds to pay the reasonable cost of operation and maintenance of said systems and to pay the principal of and interest on said bonds punctually and promptly as the same shall become due, and to maintain a reasonable reserve therefor.

(2) Annual notification be made to users stating a portion of the user charge is attributable to operation and maintenance of the treatment plant.

(3) The user charge is to cover depreciation, and minor replacement cost of the wastewater treatment facilities, and will be distributed proportionately to customers. Additional costs for operation and maintenance due to extraneous flows (infiltration and inflow) will be shared by all customers.

(4) The sewer system charges must be reviewed no less often than every two (2) years, and the rates in this chapter shall not be changed to the extent the covenant above referred to will be impaired or adversely affected. (1996 Code, § 18-110)

**18-111. City may refuse service.** We, the City of Rutledge, Tennessee reserve the right to refuse any person or persons water and/or sewer service which is not economically feasible. (1996 Code, § 18-111)

## CHAPTER 2

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Inspections required.
- 18-206. Right of entry for inspections.
- 18-207. Correction of existing violations.
- 18-208. Use of protective devices.
- 18-209. Unpotable water to be labeled.
- 18-210. Violations and penalty.

**18-201. 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) "Bypass." 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 system is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(4) "Interconnection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency.

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(6) "Public water system." The waterworks system which furnishes water to the City of Rutledge for general use and which is recognized as the public water system by the Tennessee Department of Health. (1996 Code, § 18-201)

**18-202. Standards.** The City of Rutledge Public Water System is to comply with *Tennessee Code Annotated*, §§ 68-221-701 through 68-221-720 as well as the *Rules and Regulations for Public Water Systems*, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1996 Code, § 18-202)

**18-203. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of Waterworks of the City of Rutledge Public Water System. (1996 Code, § 18-203)

**18-204. 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 waterworks a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1996 Code, § 18-204)

**18-205. Inspections required.** It shall be the duty of the Superintendent of Waterworks of the City of Rutledge Public Water System to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Superintendent of Waterworks of the City of Rutledge Public Water System and as approved by the Tennessee Department of Health. (1996 Code, § 18-205)

**18-206. Right of entry for inspections.** The superintendent of waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Rutledge Public Water System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections.

On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1996 Code, § 18-206)

**18-207. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections 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 Waterworks of the City of Rutledge Public Water System.

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

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1996 Code, § 18-207)

**18-208. Use of protective devices.** Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

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

The Superintendent of Waterworks of the City of Rutledge Public Water System, or his designated representative, shall require the use of an approved



protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of waterworks prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

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

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the superintendent of waterworks shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Superintendent of Waterworks of the City of Rutledge Public Water System.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the City of Rutledge Public Water System. (1996 Code, § 18-208)

**18-209. Unpotable water to be labeled.** The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch (1") high located on a red background. (1996 Code, § 18-209)

**18-210. Violations and penalty.** The requirements contained herein shall apply to all premises served by the City of Rutledge Public Water System, whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the City of Rutledge corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. (1996 Code, § 18-210, modified)

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

**1. GAS.**

**CHAPTER 1**

**GAS**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>1</sup> (1996 Code, § 19-101)

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<sup>1</sup>The agreements are of record in the office of the city recorder.

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. TELEPHONE FRANCHISE.
2. ROADS AND STREETS DEPARTMENT.
3. WATER DEPARTMENT.
4. CITY PARK.

**CHAPTER 1**

**TELEPHONE FRANCHISE**

**SECTION**

20-101. To be furnished under franchise.

**20-101. 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. 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.<sup>1</sup> (1996 Code, § 20-201)

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<sup>1</sup>The agreements are of record in the office of the city recorder.

**CHAPTER 2****ROADS AND STREETS DEPARTMENT****SECTION**

20-201. Created.

20-202. Compensation of superintendent.

**20-201. Created.** There is created a department known as the Roads and Streets Department of the City of Rutledge. It shall be operated under the supervision and direction of a superintendent appointed by the city manager. (1996 Code, § 20-301)

**20-202. Compensation of superintendent.** For his services, the superintendent of said department of roads and streets shall receive a salary of one dollar and twenty-five cents (\$1.25) per hour actual time worked, to be paid from the gas tax fund allocated to the city. (1996 Code, § 20-302)

## CHAPTER 3

### WATER DEPARTMENT

#### SECTION

- 20-301. Created; operation; rules and regulations.
- 20-302. Membership and term of office.
- 20-303. Compensation of members.

**20-301. Created; operation; rules and regulations.** There is created a department to be known as the Water Department for the City of Rutledge.

The operation of the water department shall be under the supervision and control of a board of waterworks and/or sewerage commissioners. It shall be the duty of the board of mayor and aldermen to operate the water department in compliance with the rules and regulations promulgated by the aldermen. The aldermen, by resolution, shall promulgate rules and regulations for the operation of the water department. The rates to be charged for water service shall be included in said rules and regulations. The board of waterworks and/or sewerage commissioners, subject to the rules and regulations of the board of mayor and aldermen, is empowered and authorized to enter into contracts with customers for the furnishing of water. (1996 Code, § 20-401)

**20-302. Membership and term of office.** The board of waterworks and/or sewerage commissioners shall consist of the following persons, to-wit: L. D. Smith who shall serve for two (2) years, or until July 1, 1958; W. C. Maples who shall serve for four (4) years, or until July 1, 1960; and J. T. Wolfenbarger who shall serve for six (6) years, or until July 1, 1962. Each successor to a retiring member shall be appointed to a term of six (6) years. (1996 Code, § 20-402)

**20-303. Compensation of members.** For their services, said waterworks and/or sewerage commissioners shall be entitled to, and shall receive the sum of one dollar (\$1.00) per year, to be paid out of the revenue derived from the sale of water. The secretary-treasurer shall receive for his services a salary not exceeding the sum of fifty dollars (\$50.00) per month, the same to be paid out of the revenues derived from the sale of water, and said secretary-treasurer shall execute bond in the amount of ten thousand dollars (\$10,000.00) before entering upon his duties. (1996 Code, § 20-403)

## CHAPTER 4

### CITY PARK

#### SECTION

- 20-401. Definitions.
- 20-402. Purposes.
- 20-403. Enforcement authority.
- 20-404. Hours of operation.
- 20-405. Closed areas.
- 20-406. State and local traffic regulations apply.
- 20-407. Application for reserving facilities.
- 20-408. Prohibited uses.
- 20-409. Violations and penalty.

**20-401. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (1) "Director" shall mean the mayor or designee.
- (2) "Driver" shall mean every person who drives or is in actual physical control of a vehicle in or on park property, or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.
- (3) "Motor vehicle" shall mean every vehicle which is self-propelled whether by means of an internal combustion engine or by electrical power, including, but not limited to, automobiles, buses, emergency vehicles, motorcycles, motorbikes, ATVs, motor scooters, school buses, trucks and tractors.
- (4) "Park" or "park area" shall mean all parks, playgrounds, recreation fields and areas, and the parking areas, roadways, walkways, paths and trails which are provided in connection therewith, and other improvements thereto, which are owned by the city, and/or which are under the control for the city for operation, maintenance or upkeep.
- (5) "Parking" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers. (Ord. #140, July 2018)

**20-402. Purposes.** The purposes of this chapter are to establish rules and regulations governing the operation and use of the city's municipal parks and recreational facilities including established and designated ballfields, pavilions, play equipment, firing range, the Nance House and other similar recreation areas and facilities, and the parking areas provided in connection therewith which are owned or leased by the city, for the end purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance

with the purposes intended and that the facilities may be conserved and protected for the public good. (Ord. #140, July 2018)

**20-403. Enforcement authority.** (1) It shall be the duty and responsibility of the police department and public works department employees and the mayor to enforce this chapter.

(2) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by this chapter or for any person to fail to comply with any lawful order given by the police department.

(3) Continuous violation of this chapter shall result in permanent expulsion from the City of Rutledge's park system and recreation facilities. (Ord. #140, July 2018)

**20-404. Hours of operation.** All city parks and future parks will be open to use by the public between the hours of 7:00 A.M. and 11:00 P.M. It shall be unlawful for any person to be in the Rutledge City Park between 11:01 P.M. and 6:59 A.M. without prior written approval of the Mayor. All athletic fields shall be closed one (1) hour after sunset until 7:00 A.M. unless ballfield lights are on and are authorized to be on by league officials and/or the Mayor. No baseball or softball inning shall begin after 10:30 P.M. (Ord. #140, July 2018)

**20-405. Closed areas.** Any section or part of any park may be declared closed to the public by the director at any time and for any interval or at regular or started intervals (daily or otherwise) or entirely or merely restricted to certain uses as the director shall find reasonably necessary. Any party using the closed area shall be deemed to be trespassing. (Ord. #140, July 2018)

**20-406. State and local traffic regulations apply.** The provisions of the state statutes governing and regulating the operation, maintenance and control of motor vehicles and traffic ordinances contained in the city code are adopted by reference into this chapter shall apply uniformly to and within the confines of all parks and recreation facility areas and the roadways, drives and parking areas appurtenant thereto, the same as if they were public streets, highways and areas, whether they are public or private or semiprivate in nature. All persons within the confines of park and recreation facility areas shall at all times fully comply with all such motor vehicle statutes and ordinances, as aforesaid. (Ord. #140, July 2018)

**20-407. Application for reserving facilities.** Facilities may be reserved and used upon an application for use on a specific date. Such application shall be filed with the city recorder and signed by the president or chairperson of the organization. A third party lessor must establish a written contract with the city establishing safety rules and regulations, evidence of



insurance and contractually releasing the City of Rutledge for injuries that occur from participation in activities. (Ord. #140, July 2018)

**20-408. Prohibited uses.** The following uses are prohibited:

(1) Vehicles. It shall be unlawful for any person to operate any motor vehicle where restrictions prohibiting motor vehicles are posted.

(2) Speed limits. It shall be unlawful to operate or drive a motor vehicle upon any street, road or trail within any city park property at a rate of speed in excess of fifteen (15) miles per hour, unless speeds are posted.

(3) Use of alcoholic beverages and controlled substances. It shall be unlawful for any person to sell, distribute, drink or consume or have an open container of any type of alcoholic beverage (regardless of alcoholic content) in or on any city park properties. It shall be unlawful for any person to consume or otherwise use any illegal or nonprescriptive drugs or any controlled substance in or on any city park properties.

(4) Drunkenness. It shall be unlawful to enter the park while under the influence of controlled substances and/or intoxicating beverages, or be under the influence of controlled substances and/or intoxicating liquor while within the park.

(5) Pet control. It shall be unlawful to allow any pet to roam park properties unattended and without being on a leash or tether, except in designated areas or for special events.

(6) Weapons, firearms and fireworks. Pursuant to *Tennessee Code Annotated*, § 39-17-1314, it shall be unlawful to possess, sell, distribute or discharge any firearms or fireworks near or within city park properties, except as a participant in an organized approved activity. Any organized activity in the park involving the use of firearms or fireworks, and allowed only when the remainder of the park is closed to other activities, must first be approved by the board of mayor and alderman.

The foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or police officer engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties.

This prohibition shall apply to persons who are hunting with shotguns for game in season within city limits but on private property with the landowner's permission. Shotguns shall not be discharged within three hundred feet (300') of any city park property boundary.

(7) Fires. It shall be unlawful for any person to start or maintain a fire within any city park property, except in those designated areas equipped with fireplaces or grills.

(8) Excessive or malicious noise. The creation of any unreasonably loud, disturbing and unnecessary noise is prohibited within or around all city park properties. Noise of such character, intensity or duration as to be detrimental to the life or health of wildlife or any individual, or in disturbance of the public peace and welfare is prohibited.

(9) Damage, removal or destruction of park property. It is unlawful to willfully vandalize, damage, remove or destroy any real or personal property, fixture or improvement within the park. (Ord. #140, July 2018, modified)

**20-409. Violations and penalty.** All persons found to be in violation of any provision of this chapter, upon being found guilty, shall be punished according to law pursuant to the general provisions of the code of the City of Rutledge. (Ord. #140, July 2018)

ORDINANCE NO. 155

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF RUTLEDGE, TENNESSEE.**

WHEREAS some of the ordinances of the City of Rutledge are obsolete, and

WHEREAS some of the other ordinances of the City of Rutledge are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Rutledge, 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 "Rutledge Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF RUTLEDGE, TENNESSEE, THAT:

**Section 1. Ordinances codified.** The ordinances of the City of Rutledge 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 "Rutledge 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.

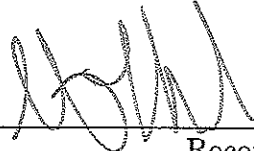
**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

**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, August 11, 2022.

Passed 2nd reading, September 8, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney