

**THE
TOWNSEND
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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CITY OF TOWNSEND, TENNESSEE

MAYOR

Don Prater

VICE MAYOR

Rindi Martin

COMMISSIONERS

Ted Godfrey
Becky Headrick
Kelsey Satterfield

RECORDER

Gayla Webb

CITY ATTORNEY

Will Carver

PREFACE

The City of Townsend Municipal Code contains the codification and revision of the ordinances of the City of Townsend, 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 city 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.

Codification Consultant

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

Section 4.1. Style of ordinances. All ordinances shall begin: "Be it ordained by the city of Townsend, as follows:".

Section 4.2. Ordinance procedure.

(a) Every ordinance shall be introduced in writing, in the form required for final adoption. Prior to or upon the introduction of said ordinance, a copy shall be distributed to each member of the board of commissioners, the city manager, if one is appointed, the city recorder, and the city attorney. The body of the ordinance may be omitted from the official minutes, but reference thereto shall be made to the ordinance by title or subject matter.

(b) Every ordinance shall be read on two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between the first and second readings; and any ordinance not so read shall be null and void. By ordinance, the board may establish a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of all ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

(c) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may be effective upon the day of its final passage; provided, that it shall contain the statement that an emergency exists and shall specify the distinct facts and reasons constituting such emergency.

(d) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.

(e) No ordinance making a grant, renewal, or extension of a franchise or other special privilege or regulating the rate to be charged for services by any public utility shall be passed as an emergency ordinance.

(f) No ordinance shall be amended or repealed except by a new ordinance.

Section 4.3. Voting by board. The affirmative vote of the majority of the members is necessary to adopt any ordinance or resolution. Every ordinance or

resolution passed by the board of commissioners shall be signed by the presiding officer and shall be filed with the recorder. All elections by the board of commissioners and all other actions shall be by majority vote of said board.

Section 4.4. Recording of ordinances. All votes on ordinances shall be determined by yeas and nays, and the names of the members voting for or against ordinances shall be entered upon the journal.

Every ordinance shall be immediately taken charge of by the recorder, and shall be numbered, copied in an ordinance book, filed, and preserved in the recorder's office by the recorder.

Section 4.5. Publication of penal ordinances-effective date. Each ordinance of a penal nature or the caption of each ordinance of a penal nature shall be published after its final passage in a newspaper of general circulation in the city.

No such ordinance shall take effect until the ordinance or the caption is so published except as otherwise provided in Tennessee Code Annotated, title 6, chapter 54, part 5.

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. RECORDER/PURCHASING AGENT.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF COMMISSIONERS²

SECTION

- 1-101. Time and place of meetings.
- 1-102. Quorum and attendance at meetings.
- 1-103. General rules of order.
- 1-104. Order of business.

1-101. Time and place of meetings. The regular meetings of the board of commissioners shall be held at 7:00 P.M. on the third Tuesday of each month, and in case any such Tuesday shall fall upon a legal holiday, then at such time and upon such day as may be established by resolution of the board of commissioners. Whenever in the opinion of two (2) of the commissioners the welfare of the city demands it, the mayor or the recorder may call a special meeting of the board of commissioners. (Ord. #101-96, Aug. 1996, modified)

1-102. Quorum and attendance at meetings. A majority of all members of the board of commissioners shall constitute a quorum. A minimum

¹Charter references

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.
Zoning: title 14.

²Charter references

Board of commissioners: Art. 3.
Mayor: §§ 3.4, 3.5.
Recorder: § 6.3.
Vice mayor: § 3.6.

of three (3) commissioners, or two (2) commissioners and the mayor constitutes a quorum. A smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as the board may provide.

1-103. General rules of order. The board of commissioners may, by resolution, regulate the conduct of its members during its meetings and prescribe its own rules of procedure, except as provided in the city charter, and in all cases where there is no established rule, "Robert's Rules of Order, Newly Revised" shall be the guide. (Ord. #101-96, Aug. 1996)

1-104. Order of business. At each meeting of the board of commissioners, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order.
- (2) Pledge of allegiance.
- (3) Roll call.
- (4) Minutes approval.
- (5) Mayoral communication.
- (6) Reports.
- (7) Unfinished business.
- (8) New business.
- (9) Adjournment.

CHAPTER 2**MAYOR¹****SECTION**

- 1-201. Duties of mayor.
- 1-202. Executes city's contracts.
- 1-203. Signs official records.

1-201. Duties of mayor. The mayor shall perform such duties as provided by the charter and any ordinances duly enacted by the board of mayor and aldermen consistent with the charter.

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen.

1-203. Signs official records. The mayor shall sign the journal of the board and all ordinances on their final passage, executes all deeds, bonds, and contracts made in the name fo the city, and may introduce ordinances to the board.

¹Charter reference
Duties of the mayor: § 3.5.

CHAPTER 3

RECORDER/PURCHASING AGENT¹

SECTION

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. To perform general administrative duties, etc.
- 1-304. To act as purchasing agent.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen.

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book.

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers.

1-304. To act as purchasing agent. The recorder shall act as purchasing agent and shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with the purchasing procedures approved by the board of commissioners and the Municipal Purchasing Law of 1983.²

¹Charter reference
Duties of the recorder: § 6.3.

²State law reference
Tennessee Code Annotated, §§ 6-56-301, et seq.

CHAPTER 4

CODE OF ETHICS¹

SECTION

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

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

Campaign finance: Tennessee Code Annotated, title 2, chapter 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.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. 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 municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #229-07-1C, June 2007)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "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; or

(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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(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. #229-07-1C, June 2007)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (Ord. #229-07-1C, June 2007)

1-404. Disclosure of personal interest in nonvoting 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

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

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. #229-07-1C, June 2007)

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

(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. #229-07-1C, June 2007)

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

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #229-07-1C, June 2007)

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

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #229-07-1C, June 2007)

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

(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 municipality. (Ord. #229-07-1C, June 2007)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (Ord. #229-07-1C, June 2007)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. 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 that the governing body 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 municipality's governing body, the governing body 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 governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(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. #229-07-1C, June 2007)

1-411. Violations and penalty. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #229-07-1C, June 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

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

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

CHAPTER 1**CITY JUDGE****SECTION**

- 3-101. City judge.
3-102. Jurisdiction.

3-101. City judge.(1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be appointed by the city council and shall serve at the pleasure of the governing body. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall be licensed by the State of Tennessee to practice law.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

3-102. Jurisdiction. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code.

¹Charter reference
City judge: § 6.5.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

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

3-204. Contempt of court.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant.

3-202. Imposition of penalties and costs.¹ All penalties and costs shall be imposed by the city judge and recorded by the city judge on the city court docket in open court.

In all cases heard and determined by him, the city judge shall impose court costs. One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

In addition, pursuant to authority granted in Tennessee Code Annotated, § 67-4-601, the court shall levy a local litigation tax in the amount of thirteen dollars and seventy-five cents (\$13.75) in all cases on which state litigation tax is levied. (as amended by Ord. #300-18-1C, Jan. 2019)

3-203. Disposition and report of penalties and costs. All funds coming into the hands of the city judge in the form of penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the city council a report accounting for the collection or noncollection of all penalties and costs imposed by his court during the current month and to date for the current fiscal year.

3-204. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

¹The schedule of municipal fines and court costs, and any amendments thereto, may be found in the recorder's office.

CHAPTER 3

SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may, in his discretion, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal.

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

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

3-401. Appeals. Any person dissatisfied with any judgment of the city court against him may, within ten (10) days¹ thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality.

3-402. Bond amounts, conditions, and forms. (1) Appeal bond. An appeal bond in any case shall be two hundred fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal.

(2) Pauper's oath. A bond is not required provided the defendant/appellant

(a) Files the following oath of poverty:

I, _____, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) Files an accompanying affidavit of indigency.

The affidavit of indigency must be sworn to by the defendant/appellant and the facts therein may be investigated.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality.

¹State law reference

Tennessee Code Annotated, § 16-18-307.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL RULES AND REGULATIONS.
2. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

PERSONNEL RULES AND REGULATIONS

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations. (1) The City of Townsend adopts as its personnel manual the "Personnel Rules and Regulations for the City of Townsend"¹ as proposed by the Municipal Technical Advisory Service (MTAS), and henceforth said Personnel Rules and Regulations for the City of Townsend, shall govern all personnel matters addressed by said rules and regulations as set forth therein, and further said policy shall define and constitute the personnel policies and procedures pertaining to any and all personnel matters as set forth therein.

(2) The Personnel Rules and Regulations for the City of Townsend may be amended from time to time, as deemed appropriate by the Board of Commissioners of the City of Townsend, Tennessee, by resolution. (Ord. #105-96, Dec. 1996, modified)

¹A copy of the Personnel Rules and Regulations is available for review in the office of the city recorder.

CHAPTER 2

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-201. Purpose.
- 4-202. Enforcement.
- 4-203. Travel policy.
- 4-204. Travel reimbursement rate schedules.

4-201. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Tennessee Code Annotated, §§ 6-54-901-907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body, and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #150-05-1C, May 2005, modified)

4-202. Enforcement. The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #150-05-1C, May 2005)

4-203. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" 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 advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests are not considered documentation of travel expenses.

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

(5) 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 mayor or city manager may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

(6) 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, parking, internet, public carrier travel, conference fee, and other reimbursable costs.

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

(8) Motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (Ord. #150-05-1C, May 2005, modified)

4-204. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to travel regulation rates. The city's travel reimbursement rates will automatically change when the rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #150-05-1C, May 2005, modified)

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. WHOLESALE BEER TAX.

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

- 5-101. Official depository for city funds.
- 5-102. Business registration permit.

5-101. Official depository for city funds. Branch Banking and Trust (BB&T), Citizens Bank of Blount County (CBBC), US Bank, and Local Government Investment Pool (LGIP) are hereby designated as the official depositories for all city funds.

5-102. Business registration permit. All businesses operating, existing, or transacting commercial business within the municipal limits of the City of Townsend, Tennessee shall be required to acquire a business registration permit from the city recorder. Permits shall be applied for prior to any business commencing operation within the City of Townsend, Tennessee. All new permits will be issued upon successful completion of a business registration application and payment of a twelve dollar (\$12.00) permit fee. Permits must be renewed on an annual basis. No fee is required for renewal. Failure to timely apply for, or renew, the business registration permit shall result in a fine and other penalties pursuant to provisions of the Townsend Municipal Code. (Ord. # 251-20-1C, Nov. 2010)

¹State law reference

Depositories of municipal funds: § 6-4-402.

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-201. When due and payable.¹ Taxes levied by the city against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied.

5-202. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.³

¹State law references

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

²Charter and state law reference

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

³Charter and state law references

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

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

CHAPTER 3

WHOLESALE BEER TAX

SECTION

5-301. To be collected.

5-301. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city/town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax in accordance with § 57-6-103. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

Municipal code references

Alcohol and beer regulations: title 8.

Beer privilege tax: § 8-208.

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.
3. CITATIONS, WARRANTS, AND SUMMONSES.

CHAPTER 1

POLICE DEPARTMENT¹

SECTION

- 6-101. Administration.
- 6-102. Police officers to serve at pleasure of commissioners.
- 6-103. Police officers to preserve law and order, etc.
- 6-104. Police force shall issue warrants, etc.
- 6-105. Commissioner of police department.

6-101. Administration. (1) The police force shall be composed of a chief of police and such police officers as the city council shall determine.

(2) The Townsend Police Chief shall have the authority to promote all personnel within the police department in accordance with personnel policies and procedures² adopted by the board.

(3) The Townsend Police Chief is hereby designated as the safety coordinator for the City of Townsend in accordance with personnel policies and procedures adopted by the board. (Ord. #101-96, Aug. 1996, modified, as amended by Ord. #295-18-1C, Oct. 2018)

6-102. Police officers to serve at pleasure of commissioners. The chief of police and police officers shall serve at the pleasure of the city council. (Ord. #101-96, Aug. 1996, modified)

6-103. Police officers to preserve law and order, etc. Police officers shall preserve law and order with the city. They shall patrol the city and shall

¹Municipal code reference

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

²The personnel policies and procedures for the City of Townsend may be found in the recorder's office.

assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court.

6-104. Police force shall issue warrants, etc. Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same and appear in said courts as prosecutors. (Ord. #101-96, Aug. 1996)

6-105. Commissioner of police department. The board of commissioners shall elect one (1) of its members as commissioner of the police department. The election of a commissioner shall take place at the first regular meeting of the board of commissioners after the general election, and the commissioner shall serve a term of two (2) years. The commission shall have such authority and duties as may be delegated and given to him by the board of commissioners. The commissioner shall have no authority to employ and/or remove employees of the department, but any such employee shall be employed and/or removed by the board of commissioners, although the board of commissioners shall receive and act upon any recommendations made by the commissioner with respect to employment and/or removal of any such employees of the department. (Ord. #101-96, Aug. 1996)

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When police officers to make arrests.

6-202. Disposition of persons arrested.

6-201. When police officers to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has probable cause to believe the person has committed it.

6-202. Disposition of persons arrested. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

¹Municipal code reference

Issuance of citation in lieu of arrest in traffic cases: title 15, chapter 7.

CHAPTER 3

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

6-301. Citations in lieu of arrest in non-traffic cases.

6-302. Summonses in lieu of arrest.

6-301. Citations in lieu of arrest in non-traffic cases.¹ Pursuant to *Tennessee Code Annotated*, § 7-63-101, *et seq.*, the board of mayor and aldermen appoints the chief in the fire department and the codes enforcement in the building department special police officers having the authority to issue citations in lieu of arrest. The chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The codes officer in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with *Tennessee Code Annotated*, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

6-302. Summonses in lieu of arrest. Pursuant to *Tennessee Code Annotated*, § 7-63-201, *et seq.*, which authorizes the board of mayor and aldermen to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the codes enforcement in the codes department and the city officers in the animal control department to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law

¹Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

- (1) Have a summons issued by the clerk of the city court; or
- (2) May seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.

TITLE 7**FIRE PROTECTION AND FIREWORKS****CHAPTER****1. FIREWORKS.****CHAPTER 1****FIREWORKS****SECTION**

7-101. Fireworks prohibited.

7-101. Fireworks prohibited. It shall be unlawful for any person to manufacture, distribute, sell or offer for sale, possess, shoot, fire, explode or discharge any pyrotechnics commonly known as "fireworks" within the corporate limits of the municipality except on July 4th and New Year's Eve when on your own property or on another's property with that property owner's permission. All fireworks must cease to be discharged at 11:00 P.M. (1981 Code, § 5-117, modified)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. WINE BY THE DRINK; INSPECTION FEE AND PRIVILEGE TAX.
4. WINE IN RETAIL FOOD STORES.

CHAPTER 1

INTOXICATING LIQUORS²

SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Consumption of alcoholic beverages on-premises.
- 8-103. Privilege tax on the sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the recorder.
- 8-105. Concurrent sales of liquor by the drink and beer.
- 8-106. Advertisement of alcoholic beverages.
- 8-107. Violations and penalty.

8-101. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, or distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by *Tennessee Code Annotated*, title 57. (Ord. #322-22-1C, March 2022)

8-102. Consumption of alcoholic beverages on-premises. *Tennessee Code Annotated*, title 57, chapter 4, inclusive, is hereby adopted to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate

¹Municipal code reference

Minors in beer places, etc.: title 11, chapter 1.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Employee and server permits: *Tennessee Code Annotated*, § 57-3-701, *et seq.*

limits of Townsend, Tennessee. It is the intent of the board of commissioners that the said *Tennessee Code Annotated*, title 57, chapter 4, inclusive, shall be effective in the City of Townsend, the same as if said code sections were copied herein verbatim. (Ord. #322-22-1C, March 2022)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in *Tennessee Code Annotated*, 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by *Tennessee Code Annotated*, title 57, chapter 4, section 301,) for the City of Townsend to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Townsend of alcoholic beverages for consumption on the premises where sold. (Ord. #322-22-1C, March 2022)

8-104. Annual privilege tax to be paid to the recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Townsend shall remit annually to the recorder the appropriate tax described in § 8-102. Such payments shall be remitted prior to December 31st of each calendar year. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #322-22-1C, March 2022)

8-105. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the City of Townsend, pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall, notwithstanding § 8-215 of the Municipal Code of the City of Townsend, qualify to receive a beer permit from the city upon compliance of all Townsend beer permit requirements. (Ord. #322-22-1C, March 2022)

8-106. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (Ord. #322-22-1C, March 2022)

8-107. Violations and penalty. 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. Upon conviction of any person

under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (Ord. #322-22-1C, March 2022)

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. Special event/temporary beer permits.
- 8-209. Privilege tax.
- 8-210. Beer permits shall be restrictive.
- 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 to be composed of the city council. The vice-mayor shall be the chairman of the beer board.

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

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.

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.

8-205. Powers and duties of the beer board.¹ 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 this municipality in accordance with the provisions of this chapter. The police officers of the City of Townsend shall have the right to inspect at any and all times the entire premises and property where or upon or in which the beverages regulated by this chapter are sold, stored, manufactured, transported, or otherwise dispensed or distributed or handled, whether or retail or wholesale, in the City of Townsend.

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.

8-207. Permit required for engaging in beer business.² It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture for sale 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 and fifty dollars (\$250.00). 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.

8-208. Special event/temporary beer permits. Special event/temporary beer permits must comply with all other regulations found in title 8, chapter 2. Special event/temporary beer permits are permissible in the City of Townsend with the following additional requirements:

(1) Permits are valid for seventy-two (72) hours during city-sanctioned and/or sponsored festivals, celebrations, and events.

(2) No more than one (1) permit will be issued for a single festival, celebration and event.

(3) Permit applications must be submitted thirty (30) days prior to the start of the event for which a permit is requested.

¹State law reference
Tennessee Code Annotated, § 57-5-106.

²State law reference
Tennessee Code Annotated, § 57-5-103.

(4) In addition to the permit application requirements described in § 8-207 the following information must be submitted with an application for a special event permit:

(a) The organization applying for the special event permit, contact person, address and phone number.

(b) Date(s) and time(s) of event.

(c) The sponsors of the event and the sponsor's contact person's address and phone number.

(d) The specific location where beer is to be sold or served.

(e) The individual(s) with such organization responsible for supervising the sale and dispensing of the beer.

(f) Plans for security and policing the area(s) where beer is sold.

(g) If the events covered by the "special event permit" will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the special event application.

(5) Permit applications are valid only for on-premises consumption inside an enclosed and/or fenced area with restricted ingress/egress points.

(6) The sponsors of the proposed event and the applicant shall send a representative or representatives to such City of Townsend Beer Board meeting to address any questions or issues arising out of the proposed special event/temporary permit.

(7) If approved the special event/temporary permit shall have affixed on its face the name of the proposed vendor(s) of beer, the specific location(s) and date(s) where such vendor is permitted to sell beer under the special event permit. (as added by Ord. #289-17-1C, April 2017)

8-209. Privilege tax.¹ 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 City of Townsend, 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.

8-210. 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

¹State law reference

Tennessee Code Annotated, § 57-5-104(b).

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.¹

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, residences, churches, or other places of public gathering, 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 two hundred feet (200') of any school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the school, residence, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church, or other place of public gathering 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.

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:

¹State 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 courts are thus prohibited from enforcing ordinances making violations of Tennessee Code Annotated, § 57-5-301(a) a local offense.

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

(2) Make or allow the sale of beer between the hours of 12:00 midnight and 6:00 A.M. Sunday through Saturday.

(3) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.²

(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. (modified)

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 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.

¹State law reference

Tennessee Code Annotated, § 1-3-113(a).

²State law reference

Tennessee Code Annotated, § 57-5-106(a).

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.¹ 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 city/town may impose.

8-215. Loss of clerk's certification for sale to minor.² 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.

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.

¹State law reference
Tennessee Code Annotated, § 57-5-108(2).

²State law reference
Tennessee Code Annotated, § 57-5-607.

CHAPTER 3

WINE BY THE DRINK; INSPECTION FEE AND PRIVILEGE TAX

SECTION

- 8-301. Wine by the drink generally.
- 8-302. License and privilege license required.
- 8-303. Privilege tax upon persons selling wine by the drink at retail locations for consumption on the premises.
- 8-304. Inspection fee.
- 8-305. Sale, etc., to persons under twenty-one years old and certain other persons.
- 8-307. On-premises consumption.
- 8-306. Violations and penalties.

8-301. Wine by the drink generally. (1) The provisions of this section shall apply to the sale of wine by the drink at all businesses situated within the corporate limits of the City of Townsend, Tennessee and licensed by the State of Tennessee to sell wine by the drink. These provisions do not apply to the sale of beer, except high alcohol content beer as defined by Tennessee Code Annotated, § 57-5-106, as being beer with an alcohol content in excess of five percent (5%), or other alcoholic beverages.

(2) The manufacture, sale, receipt, possession, storage, transportation, distribution, or in any other manner of dealing in wine by the drink within the corporate limits of the City of Townsend shall be regulated in accordance with Tennessee Code Annotated, §§ 57-1-101, et seq., 57-2-101, et seq., 57-3-101, et seq., and 57-4-101, et seq.

(3) "Wine," as defined in Tennessee Code Annotated, § 57-3-101(a)(20), means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climactic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial imitation wine. (Ord. #239-08-1C, Feb. 2009)

8-302. License and privilege license required. (1) It shall be unlawful for any person, firm, or corporation to manufacture, barter, distribute, transport or in any manner deal in wine by the drink sales without having first obtained a "wine only" license from the Alcoholic Beverage Commission of the State of Tennessee, where one is required, for such privilege from the State of Tennessee.

(2) The licensee shall remain in compliance with all of the terms and conditions of said license and the laws, rules, and regulations of the State of Tennessee which are otherwise applicable.

(3) A "wine only" license issued by the State of Tennessee Alcoholic Beverage Commission will allow a restaurant to sell wine by the drink. The restaurant may not sell or otherwise dispense any other alcoholic beverages, except those businesses which lawfully and rightfully possess a valid beer permit from the City of Townsend Beer Board.

(4) The restaurant must otherwise qualify for wine by the drink by proceeding through the same steps and procedures as are otherwise applicable to unrestricted liquor by the drink licenses as promulgated by the State of Tennessee Alcoholic Beverage Commission, must have a minimum of forty (40) seats at tables, and the serving of meals must be the principal business conducted by the restaurant.

(5) Entities who possess a wine only license issued by the State of Tennessee Alcoholic Beverage Commission shall be permitted to sell high alcoholic content beer which exceeds five percent (5%) alcohol by weight as provided by Tennessee Code Annotated, § 57-4-106. (Ord. #239-08-1C, Feb. 2009)

8-203. Privilege tax upon persons selling wine by the drink at retail locations for consumption on the premises. (1) It is hereby declared the legislative intent that every person is exercising a taxable privilege who engages in the business of selling wine by the drink at retail locations for consumption on the premises. The wine by the drink privilege tax shall be levied in accordance with Tennessee Code Annotated, § 57-4-301. This privilege tax shall be levied upon any person, firm, corporation, joint stock company, partnership, syndicate, association or other entity engaging in the business of selling wine by the drink within the City of Townsend, Tennessee.

(2) Privilege taxes are payable annually to the city recorder. The amount of the privilege tax contained herein shall be for a consecutive period of twelve (12) calendar months beginning with the date of issuance to the applicant of the applicable state liquor license.

(3) Failure to pay to the City of Townsend the required privilege tax as set forth herein on or before the expiration date of the license (twelve (12) calendar months from the date of original issuance or renewal) shall result in a monthly penalty of five percent (5%) of the fee due the City of Townsend. The additional five percent (5%) monthly penalty is due as of the first day of each month on and after the day that the fee first became delinquent. (Ord. #239-08-1C, Feb. 2009)

8-304. Inspection fee. (1) For the purpose of providing a means of regulating the sale of alcoholic beverages within the City of Townsend and to provide means for enforcing the provisions of this section, there is hereby levied

and imposed an inspection fee of five percent (5%), pursuant to Tennessee Code Annotated, § 57-3-501(c), on all wine sold to retailers in the City of Townsend. The fee shall be measured by the wholesale price of the wine sold by each wholesaler and shall be five percent (5%) of such wholesale price. The fee may be added by the wholesaler to invoices for wine sold to licensed retailers. The fees imposed under authority of this section shall be remitted by the wholesaler to the city recorder not later than the twentieth (20th) day of each month for the preceding month. The wholesaler shall provide a monthly report with its payment as provided by Tennessee Code Annotated, § 57-3-503(a). Pursuant to Tennessee Code Annotated, § 57-3-503(b), failure to collect or timely report and/or pay the inspection fee collected shall result in a penalty of ten percent (10%) of the fee due the municipality which shall be payable to the municipality imposing the inspection fee.

(2) Collection of this inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. However, nothing herein shall relieve the licensee of the obligation for the payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee is made to the city recorder. (Ord. #239-08-1C, Feb. 2009)

8-305. Sale, etc., to persons under twenty-one years old and certain other persons. (1) It shall be unlawful for any licensee, or for any agent or employee of any licensee, to sell, furnish or give away any alcoholic beverage to any person under twenty-one (21) years of age, unless otherwise permitted pursuant to applicable state law, or to a person visibly intoxicated.

(2) It shall be unlawful for any person under twenty-one (21) years of age, unless otherwise permitted pursuant to applicable state law, to purchase or attempt to purchase wine by the drink; and, it is further declared to be unlawful for any person under the age of twenty-one (21) years to exhibit false or forged identification to a licensee or his agent for the purpose of purchasing or attempting to purchase wine by the drink under this section. (Ord. #239-08-1C, Feb. 2009)

8-306. On-premises consumption. The provisions of this chapter shall only apply to the sale and consumption of wine by the drink on the premises holding the license. (Ord. #239-08-1C, Feb. 2009)

8-307. Violations and penalty. Any violation of the terms of this chapter may be punishable by a fine under the general penalty clause for this municipal code in addition to any other penalty herein provided and in addition to loss of license. Each separate occurrence shall constitute a separate violation. (Ord. #239-08-1C, Feb. 2009)

CHAPTER 4

WINE IN RETAIL FOOD STORES

SECTION

8-401. Inspection fee on retail food store wine licensees.

8-402. Application for certificate.

8-401. Inspection fee on retail food store wine licensees. Pursuant to the authority contained in *Tennessee Code Annotated*, § 57-3-501 *et seq.*, there is hereby imposed an inspection fee on retail food store wine licensees. The inspection fee shall be five percent (5%) of the wholesale price of alcoholic beverages as defined in *Tennessee Code Annotated*, § 57-3-101(a)(1)(A) supplied by a wholesaler to a retail food store wine licensee. (Ord. #301-19-1C, Feb. 2019)

8-402. Application for certificate. Before any certificate, as required by *Tennessee Code Annotated*, § 57-3-806, shall be signed by the mayor, or by any commissioner, a request in writing shall be filed with the recorder giving the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years residence at applicant's address.
- (3) Whether or not the applicant has been convicted of a felony in the past ten (10) years.
- (4) The location of the proposed store for the sale of alcoholic beverages.
- (5) The name and address of the owner of the store.
- (6) If the applicant is a partnership, the name, age and address of each partner.

If the applicant is a corporation, the name, age and address of the executive officers, or those who will be in control of the package store.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (Ord. #301-19-1C, Feb. 2019)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. COMMERCIAL TUBING OPERATIONS.
2. HELICOPTERS.
3. CABLE TELEVISION.
4. MOBILE FOOD VENDORS.

CHAPTER 1

COMMERCIAL TUBING OPERATIONS

SECTION

- 9-101. Definition.
- 9-102. Tube operations permit.
- 9-103. Violations and penalty.

9-101. Definition. A commercial tubing business shall be defined as a business which sells or rents more than one-hundred (100) tubes, kayaks, or canoes within the City of Townsend, Tennessee or which provides locations for ingress or egress or locations for equipment, service and storage or locations for vehicle parking related to tubing on the Little River. Businesses with tube, kayak, raft or canoe sales which are incidental to their primary business may request a written exemption from the City of Townsend Recorder regarding a tube operations permit. Issuance of any such exemption is at the City of Townsend's sole discretion. (Ord. #299-18-1C, Aug. 2018)

9-101. Tube operations permit. (1) Any individual or entity who operates any portion of a commercial tubing business defined as a business which sells or rents tubes, kayaks, or canoes within the City of Townsend, Tennessee or which provides locations for ingress or egress or locations for equipment, service and storage or locations for vehicle parking related to tubing on the Little River, within the City of Townsend, Tennessee, must acquire the annual tube operations permit from the city recorder. The city recorder is

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

authorized to issue the tube operations permit once the commercial tubing business completes the application, demonstrates conformance to all requirements, and pays the required annual permit fee. The tube operations permit must be obtained by December 31 each year. The tube operations permit shall cost one hundred dollars (\$100.00). A one (1) time application fee of two hundred fifty dollars (\$250.00) shall also apply. Except, however, those renewals received after December 31 shall require both the permit fee and application fee. Commercial tubing businesses operating within the City of Townsend's municipal limits must obtain a City of Townsend Business License and must provide their Tennessee sales tax number when applying for a tube operations permit. A commercial tubing business may operate in the B-1 General Business District or the B-2 Neighborhood Business District.

(2) A commercial tubing business must provide a copy of a lease agreement or evidence of ownership for every parcel, or portion of a parcel, of land used by their business which includes locations for sale/rental, ingress, egress, equipment storage and vehicle parking.

(3) Commercial tubing businesses shall provide each customer twelve (12) years old or under a United States Coast Guard approved life jacket and encourage its use.

(4) Commercial tubing businesses must provide a copy of their liability insurance policy, naming both the City of Townsend and the Townsend Area Volunteer Fire Department as additional insureds. Said policy must be for at least two million dollars (\$2,000,000.00) in applicable coverage and must remain in effect for the entire tubing season. Commercial tubing businesses must possess approved Tennessee Department of Environment and Conservation permits for any construction, tree and timber removal, earth grading, construction of rock barriers and retaining walls or similar activities. This requirement applies for activity within the Little River and extended up twenty-five feet (25') from the shoreline. Commercial tubing businesses must also comply with all City of Townsend building, zoning, general, and other codes including acquisition of appropriate building permit when and where applicable. Failure to obtain valid TDEC permits and provide copies to the City of Townsend for any such work commences will result in the tube operations permit being revoked.

(5) Commercial tubing businesses must possess approved Tennessee Department of Environment and Conservation and City of Townsend Building Permits for any construction, tree and timber removal, earth grading, construction of rock barriers and retaining walls or similar activities. This requirement applies for activity within the Little River and extending up twenty-five feet (25') from the shoreline. Commercial tubing businesses must also comply with all City of Townsend building, zoning, general, and other codes including acquisition of appropriate building permit when and where applicable as well as all applicable local, state and federal laws, rules and regulations. Failure to obtain valid TDEC or other required permits and provide copies to the

City of Townsend for any such work commences will result in the tube operations permit being revoked. (Ord. #299-18-1C, Aug. 2018)

9-102. Violations and penalty. Any person violating any provisions of this chapter shall be deemed guilty of an offense and upon conviction shall pay a fine if fifty dollars (\$50.00). Each occurrence shall constitute a separate offense.

CHAPTER 2

HELICOPTERS

SECTION

9-201. Definitions.

9-202. Prohibition against landing in unauthorized places; exceptions.

9-203. Designation of heliports or helistops.

9-204. Helicopter rides prohibited.

9-205. Zoning ordinance not affected.

9-206. Violations and penalty.

9-201. Definitions. (1) "Helicopter" shall mean any rotocraft capable of carrying passengers which depends principally for its support and motion in the air upon the lift generated by one (1) or more power driven rotors rotating on substantially a vertical axis.

(2) "Heliport" shall mean an area of land, water or structural surface which is designated, used or intended to be used for landing and take-off of helicopters, and any appurtenant areas, including buildings and other facilities, such as refueling, parking, maintenance and repair facilities. The term "heliport" applies to all such facilities whether said facility is public or private.

(3) "Helistop" shall mean a minimum facility without the logistical support provided at a heliport at which helicopters land and take-off, including the touchdown area. Helicopters may be at ground level or elevated on a structure. The term "helistop" applies to all such minimum facilities whether said facility is public or private. (Ord. #68-87, Aug. 1987, modified)

9-202. Prohibition against landing in unauthorized places; exceptions. No person shall land a helicopter at any place within the city other than at landing facilities duly licensed or approved as required by appropriate statute or regulation by the state and federal aviation agencies, except in a medical or other emergency or in the conduct of official business of any law enforcement agency, military unit of any branch of the Armed Forces of the United States of America or state national guard. (Ord. #68-87, Aug. 1987)

9-203. Designation of heliports or helistops. All heliports or helistops, shall comply with chapters 4, 5 and 9, where applicable, of the Helicopter Design Guide, dated August 22, 1977, published by the Federal Aviation Administration of the United States Department of Transportation, or any authorized amendment or supplement thereto, as well as any rules and regulations promulgated by the Bureau of Aeronautics, Department of Transportation of the State of Tennessee, with respect to minimum standards for heliports or helistops. If a heliport or helistop shall be located on a building

or other structure, it shall further comply with the building code of the city. (Ord. #68-87, Aug. 1987)

9-204. Helicopter rides prohibited. No person shall land or take-off a helicopter at any place within the city or operate a helicopter over the corporate limits of the city, for the purpose of offering rides to the public. (Ord. #68-87, Aug. 1987)

9-205. Zoning ordinance not affected. No provisions of this chapter shall be construed to alter or amend any provisions of the city's zoning ordinance and no law prohibited by the terms of said zoning ordinance shall be deemed permitted by the provisions of this chapter. (Ord. #68-87, Aug. 1987)

9-206. Violations and penalty. Any person violating any provisions of this chapter shall be deemed guilty of an offense and upon conviction shall pay a fine of fifty dollars (\$50.00). Each occurrence shall constitute a separate offense. (Ord. #68-87, Aug. 1987)

CHAPTER 3

CABLE TELEVISION

SECTION

9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television service shall be furnished to the City of Townsend and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of Townsend and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹Complete details relating to the cable television franchise agreement are available in the office of the city recorder.

CHAPTER 4

MOBILE FOOD VENDORS

SECTION

- 9-401. Definitions.
- 9-402. Requirements.
- 9-403. Sales on streets and public property.
- 9-404. Location.
- 9-405. Operating in residential neighborhoods.
- 9-406. Permit.
- 9-407. Permit renewal.
- 9-408. Permit and decal.
- 9-409. General requirements of mobile food vendor vehicles.
- 9-410. Inspections.
- 9-411. Violations and penalty.

9-401. Definitions. (1) "Food trailer." A detached trailer that is equipped with facilities for preparation, cooking, selling, or distributing diverse types of food and/or drink products.

(2) "Food truck." An enclosed motor vehicle equipped with facilities for preparing, cooking, selling, or distributing diverse types of food and/or drink products other than exclusively ice cream and related frozen products.

(3) "Ice cream truck." A motor vehicle containing a commercial freezer from which a vendor sells only frozen, pre-packaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar frozen items.

(4) "Mobile food vendor." Any person selling or distributing food and/or drink from a mobile vehicle, including food truck, food trailer, and ice cream truck.

(5) "Mobile food vendor vehicle." A vehicle that returns daily to its base of operations and is used either in the preparation, selling, cooking, or distribution of food and/or drink products. (Ord. #320-22-1C, April 2022)

9-402. Requirements. (1) Licenses and permits. It shall be unlawful for any person to engage in business as a mobile food vendor within the City of Townsend without first obtaining a business license and a mobile food vendor license, with a decal evidencing such license. Any permits, licenses and certifications required by the Blount County Department of Health and/or State of Tennessee for operation of the business are also required. State of Tennessee vendor licenses will be required for businesses based outside of the State of Tennessee and/or for owners of businesses residing outside of the State of Tennessee. Upon being granted a mobile food vendor license, a mobile food vendor must comply with the rules and regulations herein.

(2) Insurance. At the time of the application for a mobile food vendor license, the mobile food vendor must provide proof of valid automobile liability insurance in the amount required by law for operation of the applicable mobile food vendor vehicle(s). Failure to maintain this insurance when acting as a mobile food vendor will result in immediate revocation of the mobile food vendor license.

(3) Litter receptacles. Each licensed mobile food vendor must maintain for customer use, a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's mobile food vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. Each mobile food vendor shall pick up litter which is associated with the vendor's sales in the vicinity of the vendor's mobile food vehicle prior to departing a sales location. A pattern of leaving excessive litter caused by product packaging shall be basis for suspension or revocation of the mobile food vendor license.

(4) What can be sold. Mobile food vendors shall be limited to edibles and hot and cold beverages containing no alcohol. The sale of non-food or drink items from the mobile food vendor vehicle shall be limited to hats, t-shirts, and sweatshirts displaying the mobile food vendor logo and/or branding.

(5) No seating and tables. There shall be no benches, tables, chairs, or other furniture which may be used for eating or sitting provided by or associated with a mobile food vendor vehicle.

(6) Fire extinguishers and fire suppression systems. All mobile food vendor vehicles must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, mobile food vendor vehicles that produce grease laden vapors (i.e., units with deep fat fryers or flat-top griddles) must have a fire suppression system certified biannually by a licensed company.

(7) Placement. Mobile food vendor vehicles shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.

(8) Pedestrian only. Mobile food vendor vehicles shall serve pedestrians only; drive-through or drive-in services are hereby prohibited.

(9) Health regulations. All mobile food vendors and their mobile food vendor vehicles must follow all applicable health regulations for Blount County and the State of Tennessee relating to food safety and preparation.

(10) Noises. Other than ice cream trucks being able to play a song associated with its business at a reasonable level of sound, no mobile food vendor shall sound any device which produces an offensive or loud noise to attract customers, and mobile food vendors shall not use a public address system on the vehicle to broadcast and advertise products.

(11) No parking in fire lanes. No mobile food vendor shall park in fire lanes.

(12) Signs. Signs which are permanently affixed to the mobile food vendor vehicle shall extend no more than six inches (6") from the vehicle. Except

as stated herein, all signs shall be attached or painted on the mobile food vendor vehicle. Electronic signs are prohibited as are signs that flash, reflect motion pictures, emit smoke, or vapor, or produce any rotation, motion, or movement. Each mobile food vendor vehicle is permitted one sandwich board type sign located within ten feet (10') of the applicable food truck or food trailer for advertisement purposes while the food truck or food trailer is open for business. Such sandwich board sign shall be no more than forty-eight inches (48") in height and contain no more than eight (8) square feet.

(13) Electricity. Mobile food vendor vehicle shall not be attached to or use any temporary electrical pole and shall be ineligible for any permanent electrical service. (Ord. #320-22-1C, April 2022)

9-403. Sales on streets and public property. (1) Food trucks and food trailers. Food trucks and food trailers are prohibited from selling or distributing food on any public street, sidewalk, alley, trail, or right-of-way or any city-owned or controlled property, including, but not limited to, parks, unless approved by the city as part of a city permitted special event. All mobile food vendors must comply with all rules, regulations, and requirements related to the city permitted special event, including, but not limited to, provisions as to where the mobile food vendors will be located, how long the mobile food vendors can be present at the location, how many and which food trucks can participate in the city-permitted special event.

(2) Ice cream trucks. The hours of operation for ice cream trucks are between 10:00 A.M. and sunset as stated for the day for the Townsend area by the National Weather Service. Ice cream trucks may vend on public streets so long as they remain mobile and only make stops of ten (10) minutes or less. (Ord. #320-22-1C, April 2022)

9-404. Location. (1) Existing restaurants. Other than an ice cream truck, no mobile food vendor shall operate within fifty feet (50') of a door intended for regular public use of a lawfully established eating establishment that is open for business (other than another mobile food vendor vehicle) unless the mobile food vendor provides documentation which is signed by the restaurant owner or operator that the restaurant owner or operator has no objection to a closer proximity.

(2) Location. Mobile food vendors will be permitted on private property in the city according to the terms and conditions herein. On commercially zoned property, mobile food vendors may only operate on private commercial property on which there is another existing, legal, and active business operation. No mobile food vendor shall be permitted to operate on a vacant lot or on private commercial property on which there is no existing legal business. No mobile food vendor on private property shall do business or operate within fifty feet (50') of any property line of any lot used for residential purposes. A mobile food vendor under this section must have written permission from a

private property owner for setting up for each location. The mobile food vendor must provide a copy of such written permission upon demand to city officials. On residentially zoned property, mobile food vendors may only operate according to the additional requirements of § 9-405.

(3) Hours of operation and number of trucks. No mobile food vendor shall operate outside the hours of 8:00 A.M. to 11:00 P.M. At the end of each business day's operation, the mobile food vendor shall remove from the property the mobile food vendor vehicle and all materials associated with the business, unless participating in a city permitted special event that allows the overnight parking of mobile food vendor vehicles during the special event. Only one (1) mobile food vendor shall be allowed to operate on commercial or residential property per event unless a special event permit has been obtained. (Ord. #320-22-1C, April 2022)

9-405. Operating in residential neighborhoods. A mobile food vendor may operate on private property within a residential neighborhood within the parameters of this section:

(1) The residential property owner or long-term lessee(s) is defined as persons with a lease with a term of one (1) year or more of the lot where the mobile food vendor will operate. The residential property owner or long-term lessee(s) must complete and receive a mobile food vendor residential event permit and pay a twenty-dollar (\$20.00) application fee prior to the event. A mobile food vendor may only operate in a residential zone according to the requirements of such permit and as stated in this chapter.

(2) Only up to two (2) residential mobile food vendor event permits will be granted at the same address within a calendar year.

(3) It is the responsibility of the mobile food vendor to verify that the owner or long-term lessee of the property where service will take place has a valid permit. It is the responsibility of the residential property owner or long-term lessee to verify that the mobile food vendor has an active city-issued mobile food vendor permit.

(4) The allowed hours of operation are the same as set forth in § 9-404(3) of this chapter. The duration of the event may not exceed three (3) consecutive hours.

(5) Any mobile food vendor vehicle or trailer must remain on the permitted private property during the duration of the event and must not be set up on or impair the use of the public right-of-way. The event cannot impede traffic or cause other public safety concerns.

(6) At no time shall a mobile food vendor use private residential events as their primary source of business. (Ord. #320-22-1C, April 2022)

9-406. Permit. Applicants for a permit under this section shall file with the city recorder a sworn application in writing on a form to be furnished by the city recorder. Submission of false or misleading information will result in

revocation of the permit and a ban on receiving future permits. The application shall provide the following:

- (1) The name and contact information of the applicant.
- (2) The applicant's permanent street address, mailing address, and email address.
- (3) The applicant's telephone numbers, including a cell phone number, if available.
- (4) A brief description of the nature of the business and of the goods to be sold or distributed.
- (5) A copy of the vehicle registration for any mobile food vendor vehicle and proof of automobile insurance for the mobile food vendor vehicle.
- (6) A copy of the business license, proof of State of Tennessee sales tax registration, and any health department license or certification required by Blount County or the State of Tennessee.
- (7) State of Tennessee vendor licenses will be required for businesses based outside of the State of Tennessee and/or for owners of businesses residing outside of the State of Tennessee.
- (8) Color photograph(s) of the mobile food vendor vehicle's interior and exterior.
 - (9) (a) Permission to obtain a background check of owner(s) of mobile food vendor vehicles. The city reserves the right to reject an applicant if he or she (or in the case of LLC corporation, its owner(s))
 - (i) Is a registered sex offender;
 - (ii) Has been convicted of a felony in the past ten (10) years;
 - (iii) Has a chronic history or an unreasonable number and kind of moving vehicle violations as determined by the chief of police; or
 - (iv) Presents an unreasonable public health and safety risk based on past criminal history as determined by the chief of police.
 - (b) The applicant/owner must also acknowledge and affirm his, her, or its duty as hereby required by this code to perform background checks on each of his employees or agents operating the mobile food vendor vehicle permitted herein. The applicant/owner must acknowledge and affirm that he, she, or it will not allow an employee or agent to work in the city as a mobile food vendor if such employee or agent is registered as a sex offender or he or she has been convicted of a felony within the past ten (10) years.
- (10) Payment of an application fee of two hundred forty dollars (\$240.00), which will be prorated by month for the first year of the permit at a rate of twenty dollars (\$20.00) per month of operation. No refunds will be issued. Any day in the month where the permit is in place will require payment for that entire month.

(11) Such other relevant information as may be requested by the city after review of submission of the material to assure full review of the information needed to assess the impact of the proposed operation on the health, safety, and well-being of the public. (Ord. #320-22-1C, April 2022)

9-407. Permit renewal. A permit issued under this section shall be valid for the remainder of the calendar year from the date of issuance and shall be renewed on an annual basis prior to January 1st of each year upon proper application and payment of the permit fee, of an additional two hundred forty dollars (\$240.00) per year. A permit shall be valid for only one (1) mobile food vendor vehicle. Each operator and/or applicant shall file an additional application and pay an additional permit fee for each additional mobile food vendor vehicle. No refunds will be issued for renewed permits and no renewed permits for a partial year will be issued. (Ord. #320-22-1C, April 2022)

9-408. Permit and decal. Each applicant/owner, upon being issued a permit under this section, shall also be issued a decal which the mobile food vendor must display on the right front windshield's lower corner on each mobile food vendor vehicle or at such other location on the vehicle approved by the city in writing. (Ord. #320-22-1C, April 2022)

9-409. General requirements of mobile food vendor vehicles. All exterior bodywork and mechanical equipment of a mobile food vendor vehicle shall be maintained in good condition, free of excessive wear, tear, or damage. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents, and abrasions. All windshield and window glass of mobile vendor vehicles shall be maintained and free of cracks, scratches, pitting, abrasions, and other conditions that may cause a hazard or reduce clarity of vision. (Ord. #320-22-1C, April 2022)

9-410. Inspections. (1) Department of health primary. Nothing in this section shall be construed as limiting or replacing the role of the Tennessee Department of Health which has the primary task of inspecting mobile food vendor vehicles.

(2) Entry. The city police, and other officials as necessary, shall have the right, to enter any mobile food vendor vehicle for the purpose of ascertaining whether any provisions of this section are being violated, and for general inspection purposes.

(3) Shut down. Any mobile food vendor vehicle which is found, after any city inspection, to be unsafe or not compliant with this section may, be directed to be out of operation until the deficiency is corrected. (Ord. #320-22-1C, April 2022)

9-411. Violations and penalty. Violations of this chapter are subject to the general penalty clause for the City of Townsend. The city may also suspend or revoke a permit and decal issued hereunder for violation of this chapter. (Ord. #320-22-1C, April 2022)

TITLE 10**ANIMAL CONTROL**¹**CHAPTER****1. IN GENERAL.****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.

¹Wherever this title mentions dogs it pertains to dogs 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.

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
4. LITTERING.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking alcoholic beverages in public, etc.
 11-102. Minors in beer places.
 11-103. Violations and penalty.

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place.

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.

¹Municipal code references

Animal control: title 10.

Fireworks and explosives: title 7.

Residential and utility codes: title 12.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Anti-noise regulations.

11-202. Violations and penalty.

11-201. 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 other 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 unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) **Radios, phonographs, etc.** The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 10:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of person in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) **Yelling, shouting, etc.** Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 10:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

(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) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplified 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.

11-202. 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.

CHAPTER 3

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-301. Trespassing.

11-302. Interference with traffic.

11-303. Violations and penalty.

11-301. Trespassing. (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.¹

11-302. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

11-303. 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.

CHAPTER 4

LITTERING

SECTION

- 11-401. Definitions.
- 11-402. Littering offenses.
- 11-403. Scope of regulation.
- 11-404. Violations and penalty.

11-401. Definitions. As used in this chapter, unless the context otherwise requires:

- (1) "Commercial purpose" means litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity;
- (2) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- (3) "Litter" includes garbage, refuse, rubbish and all other waste material, including a tobacco product as defined in Tennessee Code Annotated, § 39-17-1503(9) and any other item primarily designed to hold or filter a tobacco product while the tobacco is being smoked.
- (4) "Refuse" includes all putrescible and nonputrescible solid waste; and
- (5) "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste.

11-402. Littering offenses. (1) A person commits the civil offense of littering who:

- (a) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;
 - (b) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or
 - (c) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within this state.
- (2) Whenever litter is placed, dropped, or thrown from any motor vehicle, boat, airplane, or other conveyance in violation of this section, the city judge may, in his or her discretion and in consideration of the totality of the circumstances, infer that the operator of the conveyance has committed littering.
- (3) Whenever litter discovered on public or private property is found to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings that display the name of a person thereon in such

a manner as to indicate that the article belongs or belonged to such person, the city judge may, in his or her discretion and in consideration of the totality of the circumstances, infer that such person has committed littering.

11-403. Scope of regulation. The regulation of litter in this chapter is limited to amounts of litter less than or equal to five pounds (5 lbs.) in weight or seven and one-half (7.5) cubic feet in volume.

11-404. Violations and penalty. Littering is a civil offense punishable by a penalty under the general penalty provision of this code.

TITLE 12**BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. PROPERTY MAINTENANCE CODE.
4. RESIDENTIAL CODE.
5. MECHANICAL CODE.
6. ENERGY CONSERVATION CODE.

CHAPTER 1**BUILDING CODE¹****SECTION**

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

12-101. Building code adopted. Pursuant to authority granted by the Tennessee Code Annotated, §§ 6-54-501 through 6-54-510 and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2018 edition, with the modifications set forth below, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "building code." (Ord. #302-19-1C, June 2019)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-102. Modifications. The following sections and appendices of the International Building Code, 2018 edition, are hereby amended in the City of Townsend, as hereinafter provided:

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Townsend by inserting "City of Townsend" as the name of the jurisdiction.
- (2) Chapter 1, Scope and Administration: Section 101.2.1 Appendices. is hereby amended locally in the City of Townsend by inserting at the end of the section the following:
"The following Appendices are specifically included in the adoption. All others are excluded."
 - Appendix A Employee Qualifications
 - Appendix B Board of Appeals
 - Appendix C Agricultural Buildings
 - Appendix E Supplementary Accessibility Requirements
 - Appendix G Flood-Resistant Construction
 - Appendix I Patio Covers
- (3) Chapter 1, Scope and Administration: Section 101.4.3 Plumbing. is hereby amended locally in the City of Townsend by deleting the last sentence and inserting the following:
"Private sewage disposal systems shall comply with the regulations of the Blount County Environmental Health Department"
- (4) Chapter 1, Scope and Administration: Section 103.1 Creation of enforcement agency. is hereby amended locally in the City of Townsend by deleting Section 103.1 in its entirety and replacing with the following:
Section 103.1 Building Official. The provisions of this code shall be enforced by the Building Official."
- (5) Chapter 1, Scope and Administration: Section 105.4 Validity of permit. is hereby amended locally in the City of Townsend by inserting the following at the beginning:
"A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans of buildings in construction, or of violation of this code. The Building Official is authorized to suspend or revoke a permit issued under the

provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code"

- (6) Chapter 1, Scope and Administration: Section 105.5. Expiration. is hereby amended locally in the City of Townsend by deleting in its entirety and the following substituted in lieu thereof:
 "105.5. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced. Work authorized by that permit shall be completed within the time frame set forth in the following:
For Building Permits with Construction Valuation in the amount of:
 \$0.1 - \$250,000 - twelve (12) months;
 \$250,000.01 - \$500,000.00 - eighteen (18) months;
 \$500,000.01 - \$1,000,000.00 - twenty four (24) months;
 \$1,000,000.01 and up - thirty-six (36) months
 Extensions of time may be granted by the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 180 days. A fee of fifty percent (50%) of the permit fee of the original permit shall be charged to cover administrative expenses for each extension granted."
- (7) Chapter 1, Scope and Administration: Section 105.6 Suspension or revocation. is hereby amended locally in the City of Townsend by inserting at the end the following:
 "After a permit has become void, if the owner wishes to commence construction to complete the structure for which the original permit was issued, the Owner shall reapply for a new building permit for the completion of the construction. When a new building permit is issued, the permit fee for the completion of the construction shall be equal to the permit fee that was paid when the original permit was issued."
- (8) Chapter 1, Scope and Administration: Section 107.3.4 Design Professional in responsible charge. is hereby amended locally in

the City of Townsend by inserting the following at the end of the first paragraph:

"The registered design architect shall be the responsible design professional in responsible charge unless otherwise designated by the owner or the owner's authorized agent."

- (9) Chapter 1, Scope and Administration: Section 110.5 Inspection request. is hereby amended locally in the City of Townsend by inserting the following at the end:
 "No inspections shall be performed on any site or portion thereof where there is an unsafe condition or a violation of the occupational safety and health standards for the construction industry promulgated by the Occupational Safety and Health Administration (OSHA)."
- (10) Chapter 1, Scope and Administration: Section 111.1 Change of occupancy. is hereby amended locally in the City of Townsend by inserting the following at the end of the paragraph and before the exception:
 "Said certificate shall not be issued until the following have been tested and approved by the appropriate agency or department:
- Fire protection systems
 - Utility systems
 - Site work beyond the confines of the building
 - General building construction requirements"
- (11) Chapter 1, Scope and Administration: Section 113 Board of Appeals. is hereby amended locally in the City of Townsend by changing the title from "Board of Appeals" to "Board of Zoning Appeals". Every occurrence of "Board of Appeals" in Section 113 and its subsections shall be changed to "Board of Zoning Appeals".
- (12) Chapter 1, Scope and Administration: Section 114.4, Violation and Penalties is hereby locally amended in the City of Townsend by deleting the section in its entirety and insert in its place:
 "Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall

be subject to penalties as prescribed by law and the enforcement and penalty clause of this Ordinance."

- (13) Chapter 10, Means of Egress: Section 1008.2 Means of egress illumination. is hereby amended locally in the City of Townsend by inserting the following under "Exceptions":
"5. Unenclosed pavilions and similar structures that are not provided with electrical utility service and not intended for occupancy after daylight hours."
- (14) Chapter 10, Means of Egress: Section 1015.2 Where required. is hereby amended locally in the City of Townsend by deleting the first sentence and replacing it with the following sentence:
"Guards shall be provided along open-sided walking surfaces or ground surfaces, mezzanines, industrial equipment platforms, retaining walls, stairways, ramps, landings and any other locations that are located more than 30 inches above the floor or grade below."
- (15) Chapter 16, Structural Design: Section 1612.3 Establishment of flood hazard areas. is hereby amended locally in the City of Townsend by inserting "Blount County, Tennessee, and Incorporated Areas, City of Townsend Community Number _?_" for name of jurisdiction and inserting "September 19, 2007" as the date of issuance.
- (16) Chapter 29, Plumbing Systems: Section 2901.1 Scope. is hereby amended locally in the City of Townsend by deleting the last sentence and insert the following:
"Private sewage disposal systems shall comply with the regulations of the Blount County Environmental Health Department."
- (17) Chapter 28: Mechanical Systems. is hereby amended locally in the City of Townsend by deleting every reference to "International Fuel Gas Code". The International Fuel Gas Code is specifically not adopted in the City of Townsend.
- (18) Chapter 29, Plumbing Systems: Section 2901.1 Scope. is hereby amended locally in the City of Townsend by deleting the sentence "Private sewage disposal systems shall conform to the International Private Sewage Disposal Code." and replacing with the following:

"Private sewage disposal systems shall comply with the regulations of the Blount County Environmental Health Department."

- (19) Chapter 29, Plumbing Systems: Section 2902.3 Employee and public toilet facilities. is hereby amended locally in the City of Townsend by inserting the following at the end:
 "Exception 3: Unenclosed pavilions and similar structures with a floor area of one thousand square feet or less and not served with water and sewer services shall not be required to provide public toilet facilities or other plumbing fixtures. For the purpose of this section guards as described in Section 1015, whether said guards are required or not by this code, shall not be considered to enclose the structure."
- (20) Appendix B: Board of Appeals. is hereby amended locally in the City of Townsend by changing the title from "Board of Appeals" to "Board of Zoning Appeals". Every occurrence of "Board of Appeals" in Appendix B and its subsections shall be changed to "Board of Zoning Appeals".
- (21) Appendix B: Section B101.2 Membership of board. is hereby amended locally in the City of Townsend by deleting in its entirety and the following substituted in lieu thereof:
 "Reference Townsend Municipal Code"
- (22) Appendix B: Section B101.2.2 Qualifications. is hereby amended locally in the City of Townsend by deleting in its entirety and substituting the following: "Qualifications. Reference Townsend Municipal Code." (Ord. #302-19-1C, June 2019, modified)

12-103. Available in recorder's office. The board of commissioners of the City of Townsend hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-501, et seq. have been or will be met by the time of the final passage of this chapter, (Ord. #276-14-1C, May 2014)

12-104. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and

every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Townsend or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of the chapter.

Additionally, violators may, in the discretion of the city, be subject to fines and penalties to be imposed by the administrative hearing officers pursuant to Tennessee Code Annotated, § 6-54-1001, et seq., as adopted locally in the city code. (Ord. #276-14-1C, May 2014)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by §§ 6-54-501 through 6-54-510 of the Tennessee Code Annotated, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, the International Plumbing Code,² 2018 edition, and subsequent modifications thereto, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as particularly stated otherwise in this chapter, and is hereinafter referred to as the "plumbing code."

The city does not incorporate by reference any changes or amendments adopted by the agency or association that promulgates the plumbing code unless such changes or amendments are subsequently expressly adopted by ordinance of the city. (Ord. #305-19-1C, June 2019)

12-202. Modifications. The following sections and appendices of the International Plumbing Code, 2018 edition, are hereby amended in the City of Townsend, as hereinafter provided:

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Townsend by inserting "City of Townsend" as the name of the jurisdiction.

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

- (2) Chapter 1, Scope and Administration: 101.2 Scope. is hereby locally amended in the City of Townsend by deleting the third and fourth sentences, and at the end of the first paragraph inserting: "The provisions of the International Plumbing Code 2012 Edition shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of private sewage disposal systems shall comply with the regulations of the Blount County Environmental Health Department."

Provisions in the appendices shall not apply unless specifically adopted. The following Appendices are specifically included in the adoption. All others are excluded.

- Appendix B Rates of Rainfall for Various Cities
- Appendix C Vacuum Drainage System
- Appendix D Degree Day and Design Temperatures
- Appendix E Sizing of Water Piping System
- Appendix F Structural Safety

Exception: Detached one- and two- family dwellings and multiple single-family dwellings (townhouse) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code."

- (3) Chapter 1, Scope and Administration: Section 103.1 Creation of enforcement agency. is hereby amended locally in the City of Townsend by deleting Section 103 .1 in its entirety and replacing with the following:

"103.1 Building Official. The provisions of this code shall be enforced by the Building Official." All other references to "code official" in the 2012 IPC shall mean "Building Official."

- (4) Chapter 1, Scope and Administration: Section 106.6.2 Fee Schedule. is hereby amended locally in the City of Townsend by deleting the first sentence and inserting: "The fees for all plumbing work shall be as itemized on the City of Townsend Plumbing Permit Application."

- (5) Chapter 1, Scope and Administration: Section 107 Inspection and Testing. is hereby amended to add the following section: "107.8 Building Occupancy. A new building shall not be occupied or a change made in occupancy or the nature or the use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Said certificate shall not be

issued until the following have been tested and or approved by the appropriate agency or department."

- Fire protection systems
- Utility systems
- Site work beyond the confines of the building
- General building construction requirements"

(6) Chapter 1, Scope and Administration: Section 108, Violations is hereby locally amended to add the following section:

"108.8 Cesspool, septic tanks, etc. It is mandatory that every cesspool, septic tank, and seepage pit, which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected, shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete, or other approved material.

The top cover or arch over the cesspool, septic tank, or seepage pit shall be removed before filling and the filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until inspected and approved by the Blount County Environmental Health Department inspector, following which the cesspool septic tank or seepage pit shall be filled to the level of the top of the ground."

(7) Chapter 1, Scope and Administration: Section 108.4, Violation and Penalties. is hereby locally amended in the City of Townsend by deleting the section in its entirety and insert in its place:

"108.4, Violation and Penalties. Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

(8) Chapter 1, Scope and Administration: Section 109 Means of Appeal. is hereby amended locally in the City of Townsend by deleting in its entirety and the following substituted in lieu thereof:

"Section 109 Board of Zoning Appeals

109.1 Appeals relative to the application of this code shall be as established and regulated by the International Building Code as

locally adopted and amended in the City of Townsend and set forth in Townsend Municipal Code Section 8-901 et seq."

- (9) (11) Chapter 3, General Regulations: Section 303.3 Plastic Pipe, Fittings, and Components. is hereby amended locally in the City of Townsend by adding the following at the end of the existing paragraph:
"The use of coextruded PVC pipe in outside building sanitary sewers is prohibited. Its use in storm drains and storm sewers shall be at the discretion of the local authority."
- (10) Chapter 4, Fixtures, Faucets and Fixture Fittings. Section 403.3, Required public toilet facilities, is hereby amended locally in the City of Townsend by inserting the following at the end of the exception:
"Unenclosed pavilions and similar structures with a floor area of one thousand square feet or less and not served with water and sewer services shall not be required to provide public toilet facilities or other plumbing fixtures. For the purpose of this section guards, whether required or not, shall not be considered to enclose the structure."
- (11) Chapter 6, Water Supply and Distribution: Section 603.2 Separation of Water Service and Building Sewer; Exception 1. is hereby amended locally in the City of Townsend by replacing "minimum of 12 inches" with "minimum of 18 inches"
- (12) Chapter 7, Sanitary drainage, Section 701.2, Connection to Sewer required. is hereby amended locally in the City of Townsend by deleting the first paragraph and replacing with the following:
"Sanitary drainage piping from plumbing fixtures in buildings shall be connected to an approved private disposal system that is in accordance with the regulations of the Blount County Environmental Health Department."
- (13) Chapter 7, Sanitary Drainage: Section 702 Materials is hereby amended locally in the City of Townsend by adding the following section:
"702.7 Co-Mingling. Co-mingling of materials in the building sewer shall be accomplished only through the use of neoprene adapters with stainless steel bands.

- (14) Chapter 7, Sanitary Drainage: Section 705.3 Asbestos cement. is hereby amended locally in the City of Townsend by deleting the section in its entirety and inserting the following in its place:
"705.3 Asbestos cement. Asbestos - cement pipe and fittings are prohibited."
- (15) Chapter 7, Sanitary Drainage: Section 705.6 Concrete joints. is hereby amended locally in the City of Townsend by deleting the section in its entirety and inserting the following in its place:
"705.6 Concrete joints. Concrete pipe and fittings are prohibited."
- (16) Chapter 7, Sanitary Drainage: Section 706.1 Connections and changes in directions. is hereby amended locally in the City of Townsend by inserting at the end:
"Bends greater than 45 degrees shall be prohibited in the building sewer."
- (17) Chapter 7, Sanitary Drainage: Section 708.1.3 is hereby amended locally in the City of Townsend by deleting the section in its entirety and inserting the following in its place:
"708.1.3 Building drain and building sewer junction. The first exterior cleanout shall be located a minimum of three (3) feet but no more than five (5) feet from the exterior wall of the building without prior approval of the plumbing official. The use of two-way cleanouts is prohibited." (Ord. #305-19-19, June 2019, modified)

12-203. Available in recorder's office. The Board of Commissioners of the City of Townsend hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this chapter and that all notice and public hearing requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this chapter. (Ord. #306-19-1C, June 2019)

12-204. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Townsend or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person

adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter.

Additionally, violators may in the discretion of the city be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to Tennessee Code Annotated, § 6-54-1001 *et seq.* as adopted locally in the city code. (Ord. #306-19-1C, June 2019)

CHAPTER 3

PROPERTY MAINTENANCE CODE

SECTION

- 12-301. Property maintenance code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations and penalty.

12-301. Property maintenance code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510 and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures, the International Property Maintenance Code,¹ 2018 edition as prepared and adopted by the International Code Council is hereby adopted and incorporated herein by reference as a part of the ordinances of the City of Townsend. This code shall hereinafter be known as property maintenance code. It is adopted subject to the changes and additions set forth herein. (Ord. #30-6-19-1C, June 2019)

12-302. Modifications. The following sections and appendices of the International Property Maintenance Code, 2018 edition, are hereby amended in the City of Townsend, as hereinafter provided;

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Townsend by inserting "City of Townsend" as the name of the jurisdiction.
- (2) Chapter 1, Scope and Administration: Section 103.5 Fees. is hereby amended locally in the City of Townsend by deleting the section in its entirety with no replacement.
- (3) Chapter 1, Scope and Administration: Section 108.2 Closing of vacant structures. is hereby amended locally in the City of Townsend by inserting after Section 108.2.1 a new section as follows:

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

"108.2.2 Boarding of abandoned structures. All windows and doors of abandoned structures shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure. Boarding sheet material shall be minimum 1/2-inch (12.7 mm) nominal thick wood structural panels complying with the International Building Code."

- (4) Chapter 1, Scope and Administration: Section 109.6 Hearing. Is hereby amended locally in the City of Townsend by deleting the last sentence in its entirety with no replacement.
- (5) Scope and Administration: Section 111 Means of Appeal is hereby amended locally in the City of Townsend by deleting all of the subsections in their entirety and inserting the following:
 - 111.1 Application for Appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal is filed within 20 days after the day the notice or order was served. The membership, procedures, powers, and actions of the Board shall be as defined in Chapter 9, Board of Zoning Appeals, of the Townsend Zoning Ordinance.
- (6) Chapter 3, General Requirements: Section 302.4 Weeds. is hereby amended locally in the City of Townsend by inserting "12 inches" as the height of plant growth not to be exceeded.
- (7) Chapter 3, General Requirements: Section 302.9 Defacement of property. Is hereby amended locally in the City of Townsend by inserting at the end:
 - "All graffiti shall be removed or the surface repainted to match the existing surfaces."
- (8) Chapter 3, General Requirements: Section 304.14 Insect screens. is hereby amended locally in the City of Townsend by inserting "January 1 to December 31" as the dates to be inserted.
- (9) Chapter 6, Mechanical and Electrical Requirements: Section 602.3 Heat supply. is hereby amended locally in the City of Townsend by insetting "January 1 to December 31" as the dates to be inserted.
- (10) Chapter 6, Mechanical and Electrical Requirements: Section 602.4 Occupiable work spaces is hereby amended locally in the City of

Townsend by inserting "January 1 to December 31" as the dates to be inserted. (Ord. #30-6-19-1C, June 2019)

12-303. Available in recorder's office. The Board of Commissioners of the City of Townsend hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this chapter and that all notice and public hearing requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this chapter. (Ord. #30-6-19-1C, June 2019)

12-304. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Townsend or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. (Ord. #30-6-19-1C, June 2019)

CHAPTER 4

RESIDENTIAL CODE

SECTION

- 12-401. Residential code for one- and two-family dwellings adopted.
 12-402. Modifications.
 12-403. Available in recorder's office.
 12-404. Violations and penalty.

12-401. Residential code for one- and two-family dwellings adopted. Pursuant to authority granted by the Tennessee Code Annotated, §§ 6-54-501 through 6-54-510 and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Residential Code for One- and Two- Family Dwellings,¹ 2018 edition, chapters 1-23, 25-33, 44 and Appendices E, F, H, J, K, L, and Q thereto, with the modifications outlined below, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "residential code." (Ord. #307-19-1C, June 2019)

12-402. Modifications. The following sections and appendices of the International Residential Code for One- and Two- Family Dwellings, 2018 edition, are hereby amended in the City of Townsend, as hereinafter provided:

- (1) Chapter 1, Scope and Administration: Section R101.1 Title. is hereby amended locally in the City of Townsend by inserting "City of Townsend" as the name of the jurisdiction.
- (2) Chapter 1, Scope and Administration: Section R102.5 Appendices. is hereby amended locally in the City of Townsend by inserting at the end of the section the following:
 "The following Appendices are specifically included in the adoption. All others are excluded.
 - Appendix E Manufactured Housing Used As Dwellings
 - Appendix F Radon Control Measures
 - Appendix H Patio Covers
 - Appendix J Existing Buildings and Structures

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

- Appendix K Sound Transmission
- Appendix L Permit Fees
- Appendix Q Tiny Houses

- (3) Chapter 1, Scope and Administration: Section R103.1 Creation of enforcement agency. is hereby amended locally in the City of Townsend by deleting Section R103.1 in its entirety and replaced with the following:
 "Section R103.1 Building Official. The provisions of this code shall be enforced by the Building Official."
- (4) Chapter 1, Scope and Administration: Section R105.4 Validity of permit. is hereby amended locally in the City of Townsend by inserting the following at the beginning:
 "A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans of in construction, or of violation of this code. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code"
- (5) Chapter 1, Scope and Administration: Section R105.5. Expiration. is hereby amended locally in the City of Townsend by deleting in its entirety and the following substituted in lieu thereof:
 "R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced. Work authorized by that permit shall be completed within the time frame set forth in the following:
For Building Permits with Construction Valuation in the amount of:
 \$0.01 - \$250,000 - twelve (12) months;
 \$250,000.01 - \$500,000.00 - eighteen (18) months;
 \$500,000.01 - \$1,000,000.00 - twenty four (24) months;
 \$1,000,000.01 and up - thirty-six (36) months
 Extensions of time may be granted by the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The building official is authorized

to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 180 days. A fee of fifty percent (50%) of the permit fee of the original permit shall be charged to cover administrative expenses for each extension granted."

- (6) Chapter 1, Scope and Administration: Section R105.6 Suspension or revocation. is hereby amended locally in the City of Townsend by inserting at the end the following:
 "After a permit has become void, if the owner wishes to commence construction to complete the structure for which the original permit was issued, the Owner shall reapply for a new building permit for the completion of the construction. When a new building permit is issued, the permit fee for the completion of the construction shall be equal to the permit fee that was paid when the original permit was issued."
- (7) Chapter 1, Scope and Administration: Section R109.3 Inspection request. is hereby amended locally in the City of Townsend by inserting the following at the end:
 "No inspections shall be performed on any site or portion thereof where there is an unsafe condition or a violation of the occupational safety and health standards for the construction industry promulgated by the Occupational Safety and Health Administration (OSHA). "
- (8) Chapter 1, Scope and Administration: Section R110.1 Use and occupancy. is hereby amended locally in the City of Townsend by inserting the following at the end of the paragraph and before the exception:
 "Said certificate shall not be issued until the following have been tested and approved by the appropriate agency or department:
- Fire protection systems
 - Mechanical systems
 - Utility systems
 - Site work beyond the confines of the building
 - General building construction requirements"
- (9) Chapter 1, Scope and Administration: Section R112 Board of Appeals. is hereby amended locally in the City of Townsend by deleting in its entirety and the following substituted in lieu thereof:
 "Section R112 Board of Zoning Appeals

R112.1 Appeals relative to the application of this code shall be as established and regulated by the International Building Code as locally adopted and amended in the City of Townsend pursuant to Townsend Municipal Code Section 8-901 et seq."

- (10) Chapter 1, Scope and Administration: Section 113.4, Violation and Penalties is hereby locally amended in the City of Townsend by deleting the section in its entirety and the following substituted in lieu thereof:

"Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

- (11) Chapter 3, Building Planning: Section R301.2 Climatic and geographic design criteria, is hereby amended locally in the City of Townsend by inserting the following information in Table R301.2(1):

"Table R301.2(1) Climatic And Geographic Design Criteria.

Insert "10 PSF" in the table for Ground Snow Load.

Insert "115" in the table for Wind Speed.

Insert "No" in the table for topographic effects

Insert "C" in the table for Seismic Design Category.

Insert "Severe" in the table for Weathering.

Insert "12 inches" in the table for Frost Line Depth.

Insert "Moderate to heavy" in the table for Termite.

Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.

Insert "No" in the table for Ice Barrier Underlayment Required.

Insert in the table for Flood Hazards:

"(a) "October 21, 2003, is the date for City of Townsend's entry into the National Flood Insurance Program; (b) September 19, 2007 is the date of the Flood Insurance Study, and, (c) the effective FIRM panels are 25, 50, 75, 94, 100, 105, 110, 115, 117,119,120, 128,129, 130,133,135,136, 137,138, 139,141,142, 143, 144, 165, 175, 200, 225, 232, 235, 250, 251, 252, 253, 254, 275, 280, 285, 292, 295, 311, 312, 325, 350, 375, 400, 425,and 475 dated September 19, 2007"

Insert "210" in the table for Air Freezing Index.

Insert "59.4" in the table for Mean Annual Temp.
 Insert "980 feet" in the table for Elevation.
 Insert "35° North" in the table for the Latitude.
 Insert "19° F" in the table for Winter Heating.
 Insert "90°" in the table for Summer Cooling.
 Insert "0.97" in the table for Altitude Correction Factor.
 Insert "70° F (Heat)" in the table for Indoor Design Temperature.
 Insert "75° F - 70° F" in the table for Design Temperature Cooling.
 Insert "51 ° F" in the table for Heating Temperature Difference.
 Insert "15° -20° F" in the table for Cooling Temperature Difference.
 Insert "15 mph" in the table for Wind Velocity Heating.
 Insert "7.5 mph" in the table for Wind Velocity Cooling.
 Insert "74° F" in the table for Coincident Wet Bulb.
 Insert "Medium" in the table for Daily Range.
 Insert "70° db no visible condensation" in the table for Winter Humidity.
 Insert "50% @ 75° db" in the table for Summer Humidity.

- (12) Chapter 3, Building Planning: Section R302.5.1 Opening protection. is hereby amended locally in the City of Townsend by deleting the words ", equipped with a self closing device" and insert a period after the word "doors".
- (13) Chapter 3, Building Planning: Section R303.4 Mechanical ventilation. is hereby amended locally in the City of Townsend by adding the word "(Optional)." in the section title after the word ventilation and by deleting the words "the dwelling unit shall be provided with whole-house mechanical ventilation" and replacing with the words "dwelling units provided with whole-house mechanical ventilation shall be"
- (14) Chapter 3, Building Planning: Section R31 2.1.1 Where required. is hereby amended locally in the City of Townsend by deleting the first sentence and replacing it with the following sentence:
 "Guards shall be provided along open-sided walking surfaces or ground surfaces, retaining walls, stairways, ramps, landings and any other locations that are located more than 30 inches above the floor or grade below at any point within 36 inches horizontally to the edge of the open side."
- (15) Chapter 3, Building Planning: Section R312.2 Window fall protection. is hereby amended locally in the City of Townsend by deleting section R312.2 and its subsections in their entirety.

- (16) Chapter 3, Building Planning: Section R313.1 Townhouse automatic fire sprinkler systems, is hereby amended locally in the City of Townsend by deleting the entire section and the exception and replacing with "Automatic residential fire sprinkler systems shall not be required to be install in townhouses in the City of Townsend. Installation of automatic fire extinguishing systems in townhouses shall be optional. Nothing in this code shall be construed as requiring automatic fire extinguishing systems in townhouses. See Tennessee Code Annotated, Section 68-1-20-101(a)(8)."
- (17) Chapter 3, Building Planning: Section R313.1.1 Design and installation, is hereby amended locally in the City of Townsend by inserting "Where installed" at the beginning before the word "automatic".
- (18) Chapter 3, Building Planning: Section R313.2 One- and two-family dwellings automatic fire sprinkler systems, is hereby amended locally in the City of Townsend by deleting the entire section and the exception and replacing with "Automatic residential fire sprinkler systems shall not be required to be install in one- and two-family dwellings in the City of Townsend. Installation of automatic fire extinguishing systems in townhouses shall be optional. Nothing in this code shall be construed as requiring automatic fire extinguishing systems in one- and two-family dwellings. See Tennessee Code Annotated, Section 68-1 20-1 0l(a) (8)."
- (19) Chapter 3, Building Planning: Section R322.1.7 Protection of water supply and sanitary sewage, is hereby amended locally in the City of Townsend by deleting "and Chapter 3 of the International Private Sewage Disposal Code" and inserting ", the requirements of the water and sewer service utility providers and the Blount County Health Department" in its place.
- (20) Chapter 4, Foundations: Figure R403.1(1) Concrete and Masonry Foundation Details, is hereby amended locally in the City of Townsend by inserting a note in the figure as follows:
"The bottom of all foundations shall extend a minimum of 12 inches below finished grade."
- (21) Chapter 5, Floors: Section R502.11.4 Truss Design Drawings, is hereby amended locally in the City of Townsend by deleting "to the

Building Official and approved prior to installation" and replacing it with "for review when required by the Building Official".

- (22) Chapter 8, Roof-ceiling Construction: Section R802.10.1 Truss design drawings. is hereby amended locally in the City of Townsend by deleting "to the Building Official and approved prior to installation" and replace it with "for review when required by the Building Official".
- (23) Chapter 11 [RE]: Energy Efficiency: Table N1102.1.1 (R402.1.1) Insulation And Fenestration Requirements By Component is hereby amended locally in the City of Townsend by:
In the row for climate zone "4 except Marine", change Ceiling R-Value from "R49" to "R-38", and change the Wood Frame Wall R-Value from "20 or 13 + 5" to "13", and change the Mass Wall R-Value from "8/1 3" to "5/10".
- (24) Chapter 11 [RE]: Energy Efficiency: Table N1102.1.3 (R402.1.3) Equivalent U-Factors is hereby amended locally in the City of Townsend by:
In the row for climate zone "4 except Marine", change Ceiling U-Factor from "0.026" to "0.030", and change the Frame Wall U-Factor from "0.060" to "0.082", and change the Mass Wall U-Factor from "0.098" to "0.141".
- (25) Chapter 11 [RE]: Energy Efficiency: Section N1102.2.6 (R402.2.6) Steel-frame ceilings, walls, and floors. is hereby amended locally in the City of Townsend by inserting "Table N1102.1.1 or" after the first occurrence of the word "of".
- (26) Chapter 11 [RE]: Energy Efficiency: Section N1102.4.1.1 (R402.4.1.1) Installation. is hereby amended locally in the City of Townsend by adding the words "and visual inspection option." after the word "Installation" in the section title, and adding the words ", and be field verified." after the word "construction".
- (27) Chapter 11 [RE]: Energy Efficiency: Section N1102.4.1.2 (R402.4.1.2) Testing. is hereby amended locally in the City of Townsend by adding the word "(optional)" after the word "Testing" in the section title, and inserting "Where required by the Building Official," before the first sentence.
- (28) Chapter 11 [RE]: Energy Efficiency: Section N1103.1.1 (R403.1.1) Programmable thermostat. is hereby amended locally in the City

of Townsend by adding the word "(optional)." after the word "thermostat" in the section title, and inserting "Where required by the Building Official and," before the first sentence.

- (29) Chapter 11 [RE]: Energy Efficiency: Section N1103.3.3 (R403.3.3) Duct testing (Mandatory). is hereby amended locally in the City of Townsend by deleting the word "(Mandatory)" in the section title and "inserting "Where required by the building official," at the beginning.
- (30) Chapter 11 [RE]: Energy Efficiency: Section N1103.5.3 (R403.5.3) Hot water pipe insulation (Prescriptive). is hereby amended locally in the City of Townsend by deleting the word "Prescriptive" and replacing it with the word "Optional" in the section title, by inserting before the first sentence "Where required by the Building Official,", and by inserting "Where required by the Building Official," before the words "All remaining piping".
- (31) Chapter 11 [RE]: Energy Efficiency: Section N1103.6 (R403.6) Mechanical ventilation (Mandatory). is hereby amended locally in the City of Townsend by deleting the word "Mandatory" and replacing it with the word "Optional" in the section title, and deleting "The building shall be provided with ventilation that meets" and replacing with "Buildings provided with ventilation shall meet".
- (32) Chapter 11 [RE]: Energy Efficiency: Section N1103.10 (R403.1 0) Pools and inground permanently installed spas (Mandatory). is hereby amended locally in the City of Townsend by deleting the word "Mandatory" and replacing it with the word "Optional" in the section title, and inserting "Where required by the Building Official," before the first sentence.
- (33) Chapter 26, General Plumbing Requirements: Section P2603.5.1 Sewer depth. is hereby amended locally in the City of Townsend by inserting in two places "twelve inches" as the number to be inserted.
- (34) Chapter 30, Sanitary Drainage: Section P3002.2 Building Sewer. is hereby amended locally in the City of Townsend by deleting the section in its entirety and the following substituted in lieu thereof:
P3002.2 Approved Material: Building Sewer Pipe and Pipe Fittings. Only the following materials will be accepted in the installation of building sewer pipes and fittings:

1. Cast iron soil pipe and fittings,
2. Brass fittings,
3. Bronze fittings,
4. Type 1 PVC pipe and fittings, minimum schedule 40 (ASTM 0-2665),
5. ASTM D - 3034 PVC pipe encapsulated with six (6) inches of bedding material (Size no. 7 or 67 crushed stone) on the top, both sides, and the bottom of the pipe,
6. Ductile iron pipe and fittings.

The following pipe and fitting materials are specifically prohibited:

1. Asbestos - cement pipe and fittings,
2. Concrete pipe and fittings,
3. Coextruded PVC pipe in outside building sanitary sewers."

- (35) Chapter 30, Sanitary Drainage: Section P3003.13 Joints between different materials. is hereby amended locally in the City of Townsend by inserting the following at the end:
"Co-mingling of materials in the building sewer shall be accomplished only through the use of neoprene adapters with stainless steel bands."
- (36) Chapter 30, Sanitary Drainage: Section P3005.1 Drainage fittings and connections. is hereby amended locally in the City of Townsend by inserting the following at the end:
"Bends greater than 45 degrees shall be prohibited in the building sewer. "
- (37) Chapter 30, Sanitary Drainage: Section P3005.2.6 Cleanout plugs. is hereby amended locally in the City of Townsend by deleting the entire section and replacing with:
"Cleanout plugs shall be copper alloy, plastic or other approved materials. Cleanout plugs for borosilicate glass piping systems shall be of borosilicate glass. Copper alloy cleanout plugs shall conform to ASTM A74 and shall be limited for use only on metallic piping systems. Cleanout plugs in building sewers shall have countersunk heads or be of the recessed slot type only."
- (38) Chapter 30, Sanitary Drainage: Section P3005.2.2 Spacing. is hereby amended locally in the City of Townsend by inserting the following at the end:

"Cleanouts in building sewers shall be installed not more than 80 feet apart measured from the upstream entrance of the cleanout."

- (39) Chapter 30, Sanitary Drainage: Section P3005.2.4 Change of direction. is hereby amended locally in the City of Townsend by deleting the words "building sewer," in the first sentence with nothing to be inserted in its place and inserting the following at the end of the section:
"In the building sewer cleanouts shall be installed at each change of direction which is greater than 90 degrees. (Please note that this change may be accomplished with two or more fittings. Example - Two 45 degree bends and a 22 1 /2 degree bend installed in succession shall require a cleanout be installed between them regardless length of separation.)"
- (40) Chapter 30, Sanitary Drainage: Section P3005.2.9 Accessibility. is hereby amended locally in the City of Townsend by inserting the following at the end:
"All building sewer cleanouts shall be provided with clearance of not less than 36 inches (914 mm) for rodding."
- (41) Chapter 30, Sanitary Drainage: Section P3005.2.3 Building drain and building sewer junction. is hereby amended locally in the City of Townsend by deleting the section in its entirety and the following substituted in lieu thereof:
"Building drain and building sewer junction. The first exterior cleanout shall be located a minimum of three (3) feet but no more than five (5) feet from the exterior wall of the building without prior approval of the plumbing official. The use of two-way cleanouts is prohibited."
- (42) Chapter 30, Sanitary Drainage: Section P3005.2.5 Cleanout size. is hereby amended locally in the City of Townsend by deleting the second sentence.
- (43) Chapter 30, Sanitary Drainage: Section P3005.4 Drain pipe sizing. is hereby amended locally in the City of Townsend by inserting the following at the end:
"A common building sewer line must be a minimum of six (6) inches diameter."
- (44) Chapter 30, Sanitary Drainage: Section P3005.4.2. Building drain and sewer size and slope. is hereby amended locally in the City of Townsend by inserting the following at the end:

"Notwithstanding the above, four (4) inch nominal diameter building sewer drainage piping shall have a minimum fall of 1/4 inch per foot, and six (6) inch nominal diameter building sewer drainage piping shall have a minimum fall of 1/8 inch per foot."

- (45) Appendix E: Manufactured Housing Used As Dwellings: Section AE304.3.2.1 Investigation. is hereby amended locally in the City of Townsend by inserting "Where required by the Building Official," before the first sentence.
- (46) Appendix E: Manufactured Housing Used As Dwellings: Section AE304.3.2.2 Fee. is hereby amended locally in the City of Townsend by inserting "Where required by the Building Official," before the first sentence.
- (47) Appendix E: Manufactured Housing Used As Dwellings: Section AE305.5.1 Structural inspections for the manufactured home installation. is hereby amended locally in the City of Townsend by inserting at the end of the section:
 "Exception: The inspections required by this section shall not apply to manufactured homes as exempted by the State of Tennessee but shall apply to any construction or installation of decks, porches, steps or other structures or equipment. All manufactured homes shall pass a final inspection and have a certificate of occupancy issued." (Ord. #307-19-1C, June 2019)

12-403. Available in recorder's office. The board of commissioners of the City of Townsend hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all notice and public hearing requirements in Tennessee Code Annotated, § 6-54-501, et seq. Have been or will be met by the time of the final passage of this ordinance, (Ord. #277-14-1C, May 2014)

12-404. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Townsend or through injunctive remedies in state or federal court as appropriate. In the

event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. In the city's discretion, violations of tis part may further be adjudicated by an administrative hearing officer pursuant to *Tennessee Code Annotated*, § 6-54-101, *et seq.* As locally adopted. (Ord. #307-19-1C, June 2019)

CHAPTER 5

MECHANICAL CODE

SECTION

- 12-501. Mechanical code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.

12-501. Mechanical code adopted. Pursuant to authority granted by §§ 6-54-501 through 6-54-510 of the Tennessee Code Annotated, and for the purpose of regulating mechanical installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, the International Mechanical Code,¹ 2018 edition, and subsequent modifications thereto, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as particularly stated otherwise in this chapter, and is hereinafter referred to as the "mechanical code."

The city does not incorporate by reference any changes or amendments adopted by the agency or association that promulgates the mechanical code unless such changes or amendments are subsequently expressly adopted by ordinance of the city. (Ord. #304-19-1C, June 2019)

12-502. Modifications. The following sections and appendices of the International Mechanical Code, 2018 edition, are hereby amended in the City of Townsend, as hereinafter provided:

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Townsend by inserting "City of Townsend" as the name of the jurisdiction.
- (2) Chapter 1, Scope and Administration: 101.2 Scope. is hereby locally amended in the City of Townsend by deleting the last sentence before the exception in its entirety without replacement.
- (3) Chapter 1, Scope and Administration: Section 103.1 General is hereby amended locally in the City of Townsend by deleting Section 103.1 in its entirety and replacing with the following:

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

"103.1 Building Official. The provisions of this code shall be enforced by the Building Official." All other references to "code official" in the 2018 IMC shall mean "building official."

- (4) Chapter 1, Scope and Administration: Section 106.4.5 Suspension or revocation of permit: is hereby amended locally in the City of Townsend by inserting at the end, the following:
"After a permit has become void, if the owner wishes to commence construction to complete the structure, equipment or system for which the original permit was issued, the owner shall reapply for a new permit for the completion of the construction."
- (5) Chapter 1, Scope and Administration: Section 106.5.2 Fee Schedule is hereby amended locally by the City of Townsend by deleting the first sentence and inserting the following:
"The fees for mechanical work shall be as indicated in Appendix L of the International Residential Code, 2018 Edition."
- (6) Chapter 1, Scope and Administration: Section 106.5.3 Fee Refunds. is hereby amended locally in the City of Townsend by deleting in its entirety and the following substituted in lieu thereof:
"106.5.3 Fee refunds. The Building Official is authorized to establish a refund policy."
- (7) Chapter 1, Scope and Administration: Section 108.4, Violation and Penalties. is hereby locally amended in the City of Townsend by deleting the section in its entirety and insert in its place:
"108.4, Violation and Penalties. Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect, install, alter, or repair mechanical work, or has erected, installed, altered, or repaired mechanical work in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."
- (8) Chapter 1, Scope and Administration: Section 108. 5 Stop work orders is hereby amended locally in the City of Townsend by inserting "twenty five dollars (\$25.00)" as the amount of the fine and deleting "or more than [AMOUNT] dollars."

- (9) Chapter 1, Scope and Administration: Section 109 Means of Appeal. is hereby amended locally in the City of Townsend by deleting in its entirety and the following substituted in lieu thereof:

"Section 109 Board of Zoning Appeals

109.1 Appeals relative to the application of this code by the Building Official shall be made to the Board of Zoning Appeals as outlined in Townsend Code Section 8-901 et seq. (Ord. #304-19-1C, June 2019, modified)

12-503. Available in recorder's office. The board of commissioners of the City of Townsend hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all notice and public hearing requirements in Tennessee Code Annotated, § 6-54-501, et seq. have been or will be met by the time of the final passage of this chapter, (Ord. #279-14-1C, May 2014)

12-504. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Townsend or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of the chapter.

Additionally, violators may, in the discretion of the city, be subject to fines and penalties to be imposed by the administrative hearing officers pursuant to Tennessee Code Annotated, § 6-54-1001, et seq., as adopted locally in the city code. (Ord. #279-14-1C, May 2014)

CHAPTER 6

ENERGY CONSERVATION CODE

SECTION

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

12-601. Energy conservation code adopted. Pursuant to authority granted by §§ 6-54-501 through 6-54-510 of the Tennessee Code Annotated, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in building construction, the International Energy Conservation Code, 2018 edition,¹ as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "energy code."

The city does not incorporate by reference any changes or amendments adopted by the agency or association that promulgates the energy code unless such changes or amendments are subsequently expressly adopted by ordinance of the city. (Ord. #303-19-1C, June 2019)

12-602. Modifications. The following sections and appendices of the International Energy Conservation Code, 2018 edition, are hereby amended in the City of Townsend, as hereinafter provided:

- (1) Chapter 1 [CE], Scope and Administration: Section C101.1 Title is hereby locally amended in the City of Townsend by inserting "City of Townsend" in the brackets for the name of jurisdiction.
- (2) Chapter 1 [CE], Scope and Administration: Section C101.5 Compliance. is hereby locally amended in the City of Townsend by deleting the first sentence in its entirety and replacing it with "Residential buildings shall meet the provisions of JECC-Residential Provisions, or Chapter 11, Energy Efficiency, of the International Residential Code for One- and Two Family Dwellings 2018 Edition.

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

- (3) Chapter 1 [CE], Scope and Administration: Section C108.4 Failure to comply. is hereby locally amended in the City of Townsend by deleting "shall be liable to a fine as set by the applicable governing authority." and insert "subject to penalties as prescribed by law." in its place.
- (4) Chapter 1 [CE], Scope and Administration: Section C109 Board of Appeals is hereby locally amended in the City of Townsend by deleting in its entirety, including its subsections, and the following substituted in lieu thereof:
"Section C 109 Board of Zoning Appeals
C109.1 Appeals relative to the application of this code shall be as established and regulated by the International Building Code as locally adopted and amended in the City of Townsend."
- (5) Chapter 1 [RE], Scope and Administration: Section R101.1 Title is hereby locally amended in the City of Townsend by inserting "City of Townsend" in the brackets for the name of jurisdiction.
- (6) Chapter 1 [RE], Scope and Administration: Section R10J.5 Compliance. is hereby locally amended in the City of Townsend by deleting the first sentence in its entirety and replacing it with "Residential buildings shall meet the provisions of IECC-Residential Provisions, or Chapter 11, Energy Efficiency, of the International Residential Code for One- and Two Family Dwellings, 2018 Edition.
- (7) Chapter 1 [RE], Scope and Administration: Section R108.4 Failure to comply. is hereby locally amended in the City of Townsend by deleting "shall be liable to a fine as set by the applicable governing authority." and insert "subject to penalties as prescribed by law." in its place.
- (8) Chapter 1 [RE], Scope and Administration: Section R109 Board of Appeals is hereby locally amended in the City of Townsend by deleting in its entirety, including its subsections, and the following substituted in lieu thereof:
"Section R 109 Board of Zoning Appeals
C109.1 Appeals relative to the application of this code shall be as established and regulated by the International Building Code as locally adopted and amended in the City of Townsend."

- (9) Chapter 4 [RE], Residential Energy Efficiency: Section R402.2.10, Slab-on-grade. is hereby amended by deleting the last sentence and replacing with:

"Due to local termite infestation vulnerability conditions, the slab-on-grade floor perimeter insulation required by this section shall be optional in the City of Townsend. Should said insulation be provided, the installation shall comply with this section." (Ord. #303-19-1C, June 2019)

12-603. Available in recorder's office. The Board of Commissioners of the City of Townsend hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this chapter and that all notice and public hearing requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this chapter. (Ord. #303-19-1C, June 2019)

12-604. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Townsend or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter.

Additionally, violators may in the discretion of the city be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to Tennessee Code Annotated, § 6-54-1001 et seq. as adopted locally in the city code." (Ord. #303-19-1C, June 2019)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health and sanitation nuisances.
- 13-102. Weeds and grass.
- 13-103. Overgrown and dirty lots.
- 13-104. Dead animals.
- 13-105. Violations and penalty.

13-101. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1981 Code, § 5-118)

13-102. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the recorder to cut such vegetation when it has reached a height of over one foot (1').

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Littering generally: title 11.

Littering streets, etc.: § 16-107.

Wastewater treatment: title 18, chapter 2.

13-103. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

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

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

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

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

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

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

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more

than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Blount County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

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

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

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

underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

13-104. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the recorder and dispose of such animal in such manner as the recorder shall direct.

13-105. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

SLUM CLEARANCE¹

SECTION

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

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the council 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, safety and morals, or otherwise inimical to the welfare of the residents of the city.

13-202. Definitions. (1) "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.

(2) "Governing body" shall mean the council charged with governing the city.

(3) "Municipality" shall mean the City of Townsend, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "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.

(6) "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.

(7) "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.

(8) "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.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector.

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the 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.

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human 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.

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

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, 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 Blount 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 Townsend to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Townsend. 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.

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such 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. 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 Blount County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a 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.

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

(1) To investigate conditions of the structures in the 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.

13-213. 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.

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the 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 3**JUNKYARDS¹****SECTION**

- 13-301. Definitions.
- 13-302. Junkyard screening.
- 13-303. Screening methods.
- 13-304. Requirements for effective screening.
- 13-305. Maintenance of screens.
- 13-306. Utilization of highway right-of-way.
- 13-307. Non-conforming junkyards.
- 13-308. Permits and fees.
- 13-309. Violations and penalty.

13-301. Definitions. (1) "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.

(2) "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.

(3) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(4) "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.

(5) "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.

13-302. 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.

¹State law reference

Tennessee Code Annotated, § 7-51-701.

13-303. 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.

13-304. 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.

13-305. 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.

13-306. 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.

13-307. 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.

13-308. 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 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.

13-309. 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.

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Membership.
- 14-102. Organization, rules, staff and finances.
- 14-103. Additional powers.

14-101. Membership. The Townsend Municipal Planning Commission shall consist of seven (7) members. One (1) of the members shall be the Mayor of City of Townsend; one (1) shall be a member of the city council selected by said council; and the five (5) remaining members shall be appointed by the mayor. The terms of the five (5) appointed members shall be for four (4) years, excepting that the five (5) members first appointed shall be appointed for terms of five (5), four (4), three (3), two (2), and one (1) years respectively as determined by the city council. Any vacancy in an appointment membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointee at his pleasure. The term of the member selected from the city council shall run concurrently with his membership on the city council. All members serve without compensation. (Ord. #110-97, Aug. 1997, modified)

14-102. Organization, rules, staff and finances. The Townsend Municipal Planning Commission shall elects its chairperson from among the appointed members. The term of the chairperson shall be one (1) year with eligibility for re-election. The commission shall adopt rules for transactions, findings and determinations, which record shall be 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 the amounts appropriated for the purpose by the city commission. (Ord. #110-97, Aug. 1997)

14-103. Additional powers.¹ Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions.

¹State law reference

To make this section effective the municipality should request the state department of economic and community development, under authority granted by Tennessee Code Annotated, § 13-3-102 to designate the municipal planning commission as a regional planning commission.

CHAPTER 2**ZONING ORDINANCE****SECTION**

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

14/202. Violations and penalty.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Townsend shall be governed by Ordinance #61-86, titled "Zoning Ordinance, Townsend, Tennessee," and any amendments thereto.¹

14-202. Violations and penalty. Violations of the zoning ordinance 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.

¹Ordinance #61-86, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

CHAPTER 3**FLOOD DAMAGE PREVENTION ORDINANCE****SECTION**

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

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the City of Townsend shall be governed by Ordinance #228-07-1C, titled "Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance #228-07-1C, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING¹****CHAPTER**

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

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

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Careless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. School safety patrols.
- 15-111. Driving through funerals or other processions.
- 15-112. Clinging to vehicles in motion.
- 15-113. Riding on outside of vehicles.
- 15-114. Backing vehicles.
- 15-115. Projections from the rear of vehicles.
- 15-116. Causing unnecessary noise.
- 15-117. Vehicles and operators to be licensed.
- 15-118. Passing.
- 15-119. Motorcycles, motor driven cycles, motorized bicycles, etc.
- 15-120. Bumper or other energy absorption system required.
- 15-121. Motor vehicles and horses on bicycle trail prohibited.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

15-122. Compliance with financial responsibility law required.

15-123. Adoption of state traffic statutes.

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

15-102. Driving on streets closed for repairs, etc. Except for necessary access to properly abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1981 Code, § 4-106)

15-103. Careless driving. Every person operating any motorized vehicle upon the streets within the City of Townsend, or upon any private road, driveway, or parking area, shall drive said vehicle in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, weather conditions, and use of the streets and private areas and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this chapter. Careless driving shall carry a fine not to exceed the maximum allowable fine established by the State of Tennessee legislature. (Ord. #253-11-1C, June 2011)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1981 Code, § 4-108)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width a vehicle shall be driving upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the municipality for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1981 Code, § 4-109)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1981 Code, § 4-110)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1981 Code, § 4-111)

15-108. General requirements for traffic control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,¹ and shall be uniform as to type and location throughout the city

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1981 Code, § 4-113)

15-110. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals.

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

15-111. Driving through funerals or other processions. Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1981 Code, § 4-114)

15-112. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1981 Code, § 4-116)

15-113. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1981 Code, § 4-117)

15-114. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

15-115. Projections from rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1981 Code, § 4-118)

15-116. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle.

15-117. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988."

15-118. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same

direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1981 Code, § 4-120)

15-119. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, including a vehicle that is fully enclosed, has three (3) wheels in contact with the ground, weighs less than one thousand five hundred pounds (1,500 lbs.), and has the capacity to maintain posted highway speed limits, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic

ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

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

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

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

(7) (a) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head, either a crash helmet meeting federal standards contained in 49 CFR 571.218, or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(i) Except as provided in subdivisions (a)(ii)-(iv), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR 571.218;

(ii) Notwithstanding any provision in 49 CFR 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided, that no ventilation airway shall exceed one and one-half inches (1 1/2") in diameter;

(iii) Notwithstanding any provision in 49 CFR 571.218, the protective surface shall not be required to be a continuous contour; and

(iv) Notwithstanding any provision in 49 CFR 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CSPM), or the Snell Foundation.

(b) This section does not apply to persons riding:

(i) Within an enclosed cab;

(ii) Motorcycles that are fully enclosed, have three (3) wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.) and have the capacity to maintain posted highway speed limits;

(iii) Golf carts; or

(iv) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years or older.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.

15-120. Bumper or other energy absorption system required.

(1) No person shall operate a motor vehicle on any road, street or highway in the City of Townsend unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function.

(2) (a) No person shall operate a passenger vehicle, except a four-wheel drive recreational vehicle, of a type required to be registered under the laws of this state upon a city highway or street modified by reason of alteration of its altitude from the ground if its bumpers, measured to any point on a load-bearing member on the horizontal bumper bar, are not within the range of fourteen inches (14") to twenty-two inches (22") above the ground, except that no vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system; provided, that nothing contained in this section shall prevent the installation of heavy duty equipment to include shock absorbers and overload springs; and provided further, that nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear does not affect the control of the vehicle.

(b) No person shall operate a four-wheel drive recreational vehicle of a type required to be registered under the laws of this state upon a city highway or street and modified by reason of alteration of its altitude from the ground if its bumpers, measured to any point on a load-bearing member on the horizontal bumper bar, are not within the range of fourteen inches (14") to thirty-one inches (31") above the ground, except that no vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under

normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system; provided, that nothing contained in this section shall prevent the installation of heavy duty equipment to include shock absorbers and overload springs; and provided further, that nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear does not affect the control of the vehicle. In the case of a four-wheel drive vehicle where the thirty-one inches (31") limitation is exceeded, the vehicle will comply with this section if the vehicle is equipped with a drop bumper. Such a drop bumper must be bolted and welded to the frame of the vehicle and be made of a strength equal to a stock bumper.

(3) This section shall not apply to freight motor vehicles and/or other vehicles which have designs which would intrinsically preclude conformity with this provision. This section also shall not apply to any vehicle which has an unaltered and undamaged stock bumper or energy absorption system as supplied by the manufacturer of the vehicle.

(4) Any law enforcement officer charged with the enforcement of traffic laws and regulations may stop and inspect motor vehicles which appear to be operated in violation of this section. If, upon inspection, the vehicle is found to be in violation of this section, the operator shall be issued a citation stating the particulars of the violation and, in general, the repairs necessary to bring the vehicle into compliance with this section, and citing the operator to appear in city court.

(5) If upon reinspection at such an appearance, the defect is found to have been corrected, or the vehicle is found to be in compliance with this section, and upon payment of the court costs, no further penalties shall be assessed. If, however, the vehicle is found not to be in compliance with this section, the operator shall be fined in accordance with the general penalty clause for this code.

(6) Nothing in this section shall be construed to establish standards higher than those formulated by the United States Department of Transportation for bumpers on passenger motor vehicles sold within the United States. (Ord. #58-85, Sept. 1985)

15-121. Motor vehicles and horses on bicycle trail prohibited. It shall be unlawful for any person to operate a motor vehicle or motorized bicycle, as defined by Tennessee Code Annotated, § 55-8-101, or to ride or be in control of a horse, on the bicycle trail located along the right-of-way of State Highway No. 73 from Dry Valley Road to the boundary of the Great Smoky Mountains National Park. (Ord. #63-86, 1986)

15-122. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1, 5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

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

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

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

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of the financial responsibility law is punishable by a civil penalty of up to fifty dollars (\$50.00) plus court costs. The civil penalty prescribed for violations of the financial responsibility law shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of the financial responsibility law may submit evidence of compliance with the financial responsibility law in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (Ord. #265-13-1C, Feb. 2013)

15-123. 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 through 55-8-131, and §§ 55-8-133 through

55-8-180. Additionally, the City of Townsend adopts Tennessee Code Annotated, §§ 55-4-101 through 55-12-139, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139, § 55-21-108, and § 55-50-351 by reference as if fully set forth in this section. This ordinance shall include any and all subsequent revisions to the above cited statutes.

Any person violating this ordinance shall be subject to a civil penalty in municipal court not exceeding fifty dollars (\$50.00) plus court costs for each separate violation of this ordinance. (Ord. # 290-17-1C, April 2017)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be the vehicles of the Townsend Volunteer Fire Department, police vehicles, and such ambulances and other emergency vehicles as are designated by the Chief of Police of Townsend. (1981 Code, § 4-102)

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

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

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that an authorized emergency vehicle operating as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. (1981 Code, § 4-103, modified)

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1981 Code, § 4-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1981 Code, § 4-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. In school zones and near playgrounds.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty miles per hour (30 m.p.h.) Except where official signs have been posted indicating other speed limits in which cases the posted speed limit shall apply. (1981 Code, § 4-201)

15-302. 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 city council 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.

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. Every driver who intends to turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in Tennessee Code Annotated, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement.

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1981 Code, § 4-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully availing to traffic moving in such direction upon the roadway being entered. (1981 Code, § 4-304)

15-405. U-turns. U-turns are prohibited. (1981 Code, § 4-305)

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. At pedestrian-control signals.
- 15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1981 Code, § 4-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1981 Code, § 4-403)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of

approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

15-505. At "yield" signs. (1) The driver of a vehicle who is faced with a yield sign at the entrance to a through highway or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway or other roadway, or which are approaching so closely on the highway or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(2) Where there is provided more than one (1) lane for vehicular traffic entering a through highway or other public roadway, if one (1) or more lanes at such entrance are designated a yield lane by an appropriate marker, this section shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls.

15-506. At traffic control signals generally. Whenever traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

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

(2) Yellow alone, or "Caution," when shown following the green or "Go" signal:

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

(b) Pedestrians facing the signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) Red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before

entering the intersection and shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(c) A left turn on a red or stop signal shall be permitted at all intersections within the city where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except that clearly marked by a "No Turn of Red" sign, which may be erected by the city at intersections which the city decides requires no left turns on red in the interest of traffic safety.

(d) The driver of a motorcycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the motorcycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to § 15-506, "At traffic control signals generally," that the driver of a motorcycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the motorcycle when such signal did not utilize a vehicle detection device or that any such device was not in fact inoperative due to the size of the motorcycle.

(4) Steady red with green arrow:

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

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

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

15-507. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

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

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

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

15-508. At pedestrian-control signals. Wherever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

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

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1981 Code, § 4-408)

15-509. Stops to be signaled. Every driver operating a motor vehicle who intends to stop such vehicle, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give the signal required in Tennessee Code Annotated, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement.

CHAPTER 6

PARKING

SECTION

15-601. Generally.

15-602. Where prohibited.

15-603. Presumption with respect to illegal parking.

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

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

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street.

15-602. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within fifteen feet (15') of a fire hydrant;

(5) Within a pedestrian crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is:

(a) Physically handicapped, or

(b) Parking such vehicle for the benefit of a physically handicapped person.

A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21.

15-603. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1981 Code, § 4-503)

CHAPTER 7

ENFORCEMENT

SECTION

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

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address.

In the event such person refuses to sign said agreement to appear in city court and to waive the issuance and service upon him of a warrant, then it shall be the duty of the officer in whose presence the offense is committed, forthwith to place such person under arrest and take him or her before the proper authority, procure a warrant, serve the same upon such person and book him or her as in other cases of violations, and the authority issuing the warrant shall take bail from the accused for appearance in court for trial, or in lieu thereof commit the offender to jail. (1981 Code, § 4-601, modified)

15-702. Failure to obey traffic citation. It shall be unlawful for any person to violate his written promise to appear in city court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1981 Code, § 4-602)

¹Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.

State law reference

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

15-703. Illegal parking. (1) Whenever any motor vehicle without a driver is found parked or stopped in violation of this code or any ordinance of the municipality, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

(2) In all prosecutions for violations of the parking restrictions imposed by this code or by any ordinance of the municipality, the owner of the vehicle involved shall be prima facie presumed to have been the operator or in control thereof at the time the alleged offense was committed, and no such owner shall evade guilt for any violation by representing that he was not operating or in control of the vehicle himself at the time the offense was committed unless at that time the vehicle was being operated without his express or implied consent, and such owner furnishes the name of the person who was operating the vehicle with the owner's consent at the time the offense was committed and a signed statement under oath by such person showing that he was operating and in control of the owner's vehicle at that time.

(3) In the event any person fails to comply with a citation given to such person or attached to his vehicle for a violation of any of the parking restrictions imposed by this code or by any ordinance of the municipality, within fifteen (15) days of the issuance thereof, the officer issuing such citation shall secure a warrant for his arrest.

(4) Any person, firm or corporation found guilty of violating any of the parking restrictions imposed by this code or any ordinance of the municipality shall be fined in accordance with the fee schedule adopted by ordinance.¹ (1981 Code, § 4-603, modified)

15-704. Impoundment of vehicles. Any police officer of the municipality is hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage costs shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1981 Code, § 4-604)

¹The ordinance adopting a fee schedule (and any amendments) is available in the office of the recorder.

15-705. Disposal of "abandoned motor vehicles." "Abandoned motor vehicles" as defined by Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with Tennessee Code Annotated, §§ 55-16-103, et seq. (1981 Code, § 4-605)

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

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

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

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

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

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc. regulated.
- 16-103. Banners and signs across streets and alleys restricted.
- 16-104. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-105. Littering streets, alleys, or sidewalks prohibited.
- 16-106. Littering streets, alleys, or sidewalks prohibited.
- 16-107. Obstruction of drainage ditches.
- 16-108. Parades, etc., regulated.
- 16-109. Fires in streets, etc.
- 16-110. Peddlers, etc., prohibited.
- 16-111. Overnight camping prohibited.
- 16-112. Violations and penalty.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1981 Code, § 6-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8').

16-103. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street, alley, or thoroughfare except when expressly

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

authorized by the city council after a finding that no hazard will be created by such banner or sign. (1981 Code, § 6-103, modified)

16-104. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1981 Code, § 6-104, modified)

16-105. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1981 Code, § 6-105)

16-106. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1981 Code, § 6-107)

16-107. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder.

16-108. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1981 Code, § 6-109)

16-109. Peddlers, etc., prohibited. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade on, in or along any public street or right-of-way or any congested area where his operation might impede or inconvenience the public use of such public streets or rights-of-way, or in any other public building or place within the corporate limits of the municipality.

The terms of this section shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1981 Code, § 6-110)

16-110. Overnight camping prohibited. It shall be unlawful for any person to camp overnight on, in or along any public street or right-of-way, public picnic area or park, or any other public place, except designated campgrounds, within the corporate limits of the municipality. For the purposes of this section

"overnight" shall mean between the hours of 11:00 P.M. and 6:00 A.M. (1981 Code, § 6-111, modified)

16-111. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

EXCAVATIONS

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Violations and penalty.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and the permit shall be retroactive to the date when the work was begun.

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing.

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00).

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The

deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may, after consultation with public works or an engineer, increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city/town of relaying the surface of the ground or pavement, and of making the refill if this is done by the city/town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city/town if the applicant fails to make proper restoration.

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users.

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city/town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city/town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city/town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city/town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person

applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for each person, and not less than seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages not less than one hundred thousand dollars (\$100,000.00) for each accident.

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city/town if the city/town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder.

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city/town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

16-210. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense.

TITLE 17

REFUSE AND TRASH DISPOSAL¹

[RESERVED FOR FUTURE USE]

¹Municipal code reference
Property maintenance regulations: title 13.

TITLE 18

WATER AND SEWERS

[RESERVED FOR FUTURE USE]

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. TOWNSEND COMMUNITY CENTER.

CHAPTER 1

TOWNSEND COMMUNITY CENTER

SECTION

20-101. Facility rental fees.

20-102. Usage policy.

20-101. Facility rental fees. Each organization or customer who rents the town's facilities shall pay a facility rental fee. Facility rental fees shall be at such rates as are from time to time set by the board of commissioners by ordinance or resolution. (Ord. #310-19-1C, Sept. 2019)

20-102. Usage policy. Each organization or customer who rents the town's community center shall adhere to the community center rental policy approved by the board of commissioners by ordinance or resolution. (Ord. #310-19-1C, Sept. 2019)

ORDINANCE NO. 325-22-1C

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

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

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

WHEREAS the Board of Commissioners of the City of Townsend,
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 "Townsend Municipal Code,"
now, therefore:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
CITY OF TOWNSEND, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city 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 "Townsend 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."¹

Each day any violation of the municipal code continues shall constitute a separate civil offense.

¹ 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, September 20, 2022.

Passed 2nd reading, October 18, 2022.



Mayor



Recorder