

TITLE 20**MISCELLANEOUS****CHAPTER**

1. CONDUCT IN PUBLIC PARKS, ETC.
2. WARDS.
3. EPHEDRINE AND EPHEDRINE RELATED PRODUCTS.
4. TENNESSEE CENTRAL HERITAGE RAIL/TRAIL.

CHAPTER 1**CONDUCT IN PUBLIC PARKS, ETC.****SECTION**

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20-101. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "Town" is the Town of Monterey, Tennessee.
- (2) "Public property" is a park, cemetery, or any other land or building owned or used by the town for any public purpose.
- (3) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind. (1980 Code, § 12-401)

20-102. Abuse of public property. No person on any public property shall:

- (1) Buildings and other property. (a) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, tombstones, bridges, tables, benches, fireplaces, railing, paving, or paving materials, water lines or other public utilities

or parts or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures, equipment, facilities, or public property or appurtenances whatsoever, either real or personal.

(b) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.

(c) Removal of natural resources. Dig or remove any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(d) Erection of structures. Construct or erect any buildings or structures of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

(2) Trees, shrubbery, lawns. (a) Injury or removal. Damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any areas.

(b) Climbing trees, etc. Climb any tree or walk, stand, or sit upon monuments, vases, fountains, railings, fences, or gun-carriages or upon any property not designated or customarily used for such purposes. (1980 Code, § 12-402)

20-103. Sanitation. No person on any public property shall:

(1) Pollution of waters. Throw, discharge, or otherwise place, or cause to be placed in the waters of any fountain, pond, lake, stream, swimming pool, or other body of water in or adjacent to any public property or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and trash. Have brought in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. (1980 Code, § 12-403)

20-104. Traffic. No person in a park shall:

(1) Obedience to traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

(2) Operation confined to roads. Drive any vehicle on any areas except the park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the mayor.

(3) Parking. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present. (1980 Code, § 12-404)

20-105. Picnic areas and use. No person in a park shall:

(1) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any direction given to achieve this end.

(2) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served."

(3) Non-exclusive. Use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable length of time if the facilities are crowded.

(4) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere. (1980 Code, § 12-405)

20-106. Behavior. No person in a park or on other public property shall:

(1) Intoxicating beverages. Have brought alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park. Beer shall be considered an alcoholic beverage.

(2) Fireworks and explosives. Bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from any land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(3) Reservation of facilities. Occupy any seat or bench, or enter into, loiter, or remain in any pavilion or other structure or section thereof which may be reserved and designated by the board for the use of the opposite sex. Exception is made for children under six (6) years of age.

(4) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the mayor. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper, or other inflammable material within any public area or on any highway, road, or street abutting or contiguous thereto.

(5) Closed areas. Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

(6) Loitering and boisterousness. Sleep or protractedly lounge on the seats or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting, or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace. (1980 Code, § 12-406)

20-107. Merchandising, advertising, and signs. No person on any public property shall:

(1) Vending and peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by and under the authority of the mayor.

(2) Signs. Paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park or other public property. (1980 Code, § 12-407)

20-108. Park operating policy. (1) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during hours designated by the mayor. The opening and closing hours for each individual park shall be posted therein for public information.

(2) Closed areas. Any section or part of any park may be declared closed to the public by the mayor at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the mayor shall find reasonably necessary.

(3) Lost and found articles. The finding of lost articles by park attendants shall be reported to the town marshal who shall make every reasonable effort to locate the owners. The town marshal shall make every reasonable effort to find articles reported as lost. (1980 Code, § 12-408)

20-109. Enforcement. (1) Officials. The town marshal and property custodians and attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The town marshal and any custodian or attendant shall have the authority to eject from any park or any other public property any person acting in violation of this chapter.

(3) Seizure of property. The town marshal and any custodian or attendant shall have the authority to seize and confiscate any property, thing, or device in any park, or other public property, used in violation of this chapter. (1980 Code, § 12-409)

20-110. Penalties. Any person failing to comply with the requirements or violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined under the general penalty clause for this code. (1980 Code, § 12-410)

CHAPTER 2

WARDS¹

SECTION

20-201. Annexed areas placed in wards.

20-201. Annexed areas placed in wards. All of the areas heretofore annexed to the town and such areas as may be hereafter annexed thereto are added to the four (4) existing wards as described in the charter of the Town of Monterey,¹ in the following manner:

(1) All annexed areas, whether heretofore or hereafter annexed, that lie northeast of East Commercial Avenue and the present Monterey-Clarkrange Highway and southeast of a line beginning at the intersection of Commercial Avenue and Holly Street and running northeastwardly with Holly Street to its intersection with a road or street known as the Old Mine Road; thence southeastwardly with said Old Mine Road to the Monterey-Crawford Highway or the extension of Chestnut Street; thence northeastwardly with said Monterey-Crawford Highway to its intersection with the county line between Putnam and Overton Counties, is added to and shall become a part of ward No. 1 of the town.

(2) All annexed areas, whether heretofore or hereafter annexed, that lie southwest of East Commercial Avenue and the Monterey-Clarkrange Highway and southeast of South Holly Street and that portion of U.S. Highway 70 North that runs westwardly out of Monterey is added to and shall become a part of ward No. 2 of the town.

(3) All annexed areas, whether heretofore or hereafter annexed, that lie northwest of South Holly Street and that portion of U. S. Highway 70 North running westwardly out of Monterey and southwest of West Commercial Avenue and the Monterey-Woodcliff Road is added to and shall become a part of ward No. 3 of the town.

(4) All annexed areas, whether heretofore or hereafter annexed, that lie northeast of West Commercial Avenue and the Monterey-Woodcliff Road and northwest of the line running northeastwardly with Holly Street as described in one (1) above is added to and shall become a part of ward No. 4 of the town. (1980 Code, § 1-1101)

¹See § 12 in the charter. For the ordinance establishing the present ward boundaries, see Ord. #279, which is of record in the recorder's office.

CHAPTER 3

EPHEDRINE AND EPHEDRINE RELATED PRODUCTS

SECTION

- 20-301. Sales regulated.
- 20-302. Definitions relating to chapter 3, title 20.
- 20-303. Accessibility of products.
- 20-304. Exemptions.
- 20-305. Employee training.
- 20-306. Registration of purchases.
- 20-307. Penalties for failure to comply.

20-301. Sales regulated. No person shall sell or deliver, or attempt to sell or deliver, in any single retail sale, a package that contains more than one hundred tablets of any product that contains any quantity of ephedrine, pseudoephedrine or phenylpropanolamine, or any number of packages that contain a combined total of three (3) or more grams of ephedrine, pseudoephedrine, or phenylpropanolamine whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients. (as added by Ord. #416, Nov. 2003)

20-302. Definitions relating to chapter 3, title 20. (1) The use of the terms "ephedrine," "pseudoephedrine," or "phenylpropanolamine" in this chapter shall include the salts, optical isomers, or salts of optical isomers of ephedrine, pseudoephedrine and phenylpropanolamine.

(2) The use of the term "retail establishment" in this chapter shall include any business entity and individual person who sells, offers for sale or attempts to sell any product containing ephedrine, pseudoephedrine or phenylpropanolamine at retail.

(3) The use of the term "consumer accessible shelving" in this chapter shall mean any area of a retail establishment other than a product display area behind a counter where the public is not permitted, or within a locked display case or within 6 feet of a register located on a checkout counter. (as added by Ord. #416, Nov. 2003)

20-303. Accessibility of products. All packages of any product containing ephedrine, pseudoephedrine or phenylpropanolamine, whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients, shall not be displayed and offered for sale in any retail establishment on consumer-accessible shelving. (as added by Ord. #416, Nov. 2003)

20-304. Exemptions. This chapter shall not apply as follows:

- (1) To any product labeled pursuant to federal regulation for use only in children under twelve years of age;
- (2) To any products that the state department of health, upon application of a manufacturer, determines has been formulated in such a way as to effectively prevent its use in the illicit manufacture of methamphetamine;
- (3) To any animal feed products containing ephedrine, or naturally occurring or herbal ephedra or extract of ephedra, pseudoephedrine, or phenylpropanolamine; and
- (4) To the sale or delivery of any product containing ephedrine, pseudoephedrine, or phenylpropanolamine pursuant to the lawful prescription of a person authorized by state law to prescribe such products. (as added by Ord. #416, Nov. 2003)

20-305. Employee training. Any person who is considered the general owner or operator of a retail establishment where products containing ephedrine, pseudoephedrine, or phenylpropanolamine are available for sale who violates §§ 20-301 or 20-302 of this chapter shall not be penalized pursuant to this chapter if such person documents that an employee training program was in place to provide the employees with information on the local, state and federal regulations regarding ephedrine, pseudoephedrine and phenylpropanolamine, and that the employees had completed the training program. (as added by Ord. #416, Nov. 2003)

20-306. Registration of purchases. (1) Any retail establishment that sells or delivers, or attempts to sell or deliver, to a person any product containing ephedrine, pseudoephedrine, or phenylpropanolamine whether as the sole active ingredient or in combination products that have less than therapeutically significant quantities of other active ingredients, shall require such person to show proper identification and to sign a register.

(2) The register described in subsection (1) shall be created by any retail establishment that sells a product or products described in subsection (1) and shall require at least the following information:

- (a) The specific quantity of ephedrine, pseudoephedrine or phenylpropanolamine purchased;
- (b) The signature of the purchaser;
- (c) The name and residential or mailing address of the purchaser; other than a post office box number;
- (d) The number of the purchaser's motor vehicle operator's license or other proper identification at the time of the purchase;
- (e) The date of such purchase; and
- (f) The signature of an employee of the retail establishment as witness to the purchase and identification of the purchaser.

(3) The retail establishment shall retain each original register for three (3) years in a readily presentable and readable manner, and present the register upon demand by any law enforcement officer or authorized representative of the district attorney general's office.

(4) As used in this section, "proper identification" means a valid motor vehicle operator's license or other official and valid state-issued identification of the purchaser that contains a photograph of the purchaser.

(5) This section shall not apply to the sell or delivery of any product containing ephedrine, pseudoephedrine, or phenylpropanolamine by a licensed pharmacy upon a pharmacist making a good faith determination that the purchase of the product is for a legitimate medical purpose. (as added by Ord. #416, Nov. 2003)

20-307. Penalties for failure to comply. It is a civil offense to fail to comply with the foregoing regulations. Any violation of these sections is punishable by civil penalty of up to \$50.00 each. Each day a violation continues under § 20-302 above shall constitute a separate offense. (as added by Ord. #416, Nov. 2003)

CHAPTER 4

TENNESSEE CENTRAL HERITAGE RAIL/TRAIL

SECTION

20-401. Rules and regulations.

20-401. Rules and regulations. The town shall have the authority to enforce rules, regulations and laws concerning the use of the Tennessee Central Heritage Rail/Trail.

- (1) Hours of permitted use shall be dawn to dusk.
- (2) Permitted activities include walking, biking, jogging and the leading of domestic animals on a leash of no more than six feet (6') in length.
- (3) Other activities as may be allowed by permit issued by the Tennessee Central Heritage Rail/Trail Authority.
- (4) Prohibited activities include, but are not limited to:
 - (a) Motorized vehicles (excluding motorized wheelchairs).
 - (b) Littering, defacing, mutilating, destruction or removal of any sign, structure, barrier or object.
 - (c) Intentional obstruction of the performance by any person of their legal or required duties.
 - (d) Abusive or obscene language or gestures.
 - (e) Skateboards or scooters.
 - (f) Horses.
 - (g) Domestic animals not under control by lead.
 - (h) Throwing any object.
 - (i) Parking upon or in any way blocking access to the trail, causing an inconvenience or risk.
 - (j) Discharge of firearms.
 - (k) Possession of an alcoholic beverage or controlled substance.

(as added by Ord. #12-511, Jan. 2013)