

December 10, 1984

TO: HOLDERS OF COPIES OF THE "GIBSON MUNICIPAL CODE."

Change 1 to the "Gibson Municipal Code."

Please made the following changes to your copy of our municipal code:

<u>Remove Pages</u>	<u>Insert Pages</u>	<u>Authority or Reason</u>
ii	ii	Election of new officers
97--102	97--102	Ord. No. 3
676	676	Ord. No. 2

Change 1 to the "Gibson Municipal Code" makes the code and charter up to date as of December 10, 1984.

s/William E. Gordon
Mayor

Attest:

s/Lucinda Greene
Secretary

(Insert this sheet in front of your code when the above changes have been made.)

THE
GIBSON
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

October, 1981

TOWN OF GIBSON, TENNESSEE

MAYOR

William Gordon

ALDERMEN

Jack Adams
Charles Brasher
Jerry Gill
William Pafford
James Webb
Orval Wharton

MARSHAL

Dwight Webb

Preface

This code is the result of a comprehensive codification and revision of the ordinances of the Town of Gibson, Tennessee. By referring to the historical citation appearing at the end of each section, the user will be able to ascertain the ordinance from which the particular section has been derived. The absence of a historical citation means that the section was added when the code was prepared. The word "modified" in the historical citation indicates substantial modification of the original ordinance.

The attention of the user is directed to the arrangement of the code 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 number is the title number followed by a hyphen, then the chapter number, with the last two numbers showing the section number within the chapter, so that, for example, title 10, chapter 2, section 6, is designated as section 10-206.

By utilizing the table of contents and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should readily find all provisions in the code relating to any question that might arise.

The code has been arranged and prepared in loose-leaf form to facilitate keeping it up to date. MTAS will provide updating service under the following conditions:

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance for the code).
- (2) That one copy of every ordinance adopted by the town is furnished to MTAS immediately after its adoption (see section 8 of the adopting ordinance).
- (3) That the town agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met, MTAS will produce 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 that again the code will be complete and up to date. If this very simple procedure is followed, the code will

be kept up to date in a way that will serve fully the needs of the town's officials and citizens. If any questions or problems arise concerning the updating procedure, an MTAS ordinance codification consultant is available to the town for advice and assistance.

The able assistance of Mrs. Karen Lowe, the MTAS senior production typist who did all the typing on this project, is gratefully acknowledged.

Dennis Huffer, Consultant
Ordinance Codification

ORDINANCE NO. 1

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF GIBSON, TENNESSEE.

WHEREAS some of the ordinances of the Town of Gibson are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the Town of Gibson, 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 Gibson Municipal Code, now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF GIBSON, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 13, both inclusive, are ordained and adopted as the Gibson 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.

Section 3. Ordinances saved from repeal. The repeal provided for in the preceding section of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the Municipal Code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any contract or obligation assumed by or in favor of said town; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street;

any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the Municipal Code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Wherever in the Municipal Code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the Municipal Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the Municipal Code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section 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.

When any person is fined for violating any provision of the Municipal Code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.¹

Each day any violation of the Municipal Code continues shall constitute a separate offense.

Section 6. Code as evidence. Any printed copy of the Municipal Code certified under the signature of the mayor shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

Section 7. Severability clause. Each section, subsection, paragraph, sentence, and clause of the Municipal Code, including the codes and ordinances adopted by reference, is

¹For authority to allow deferred payment of fines, or payment by installments, see the Tennessee Code Annotated, sections 40-3201 et seq.

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 8. 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 9. 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 10. Code available for public use. A copy of the Municipal Code shall be kept available in the mayor's office for public use and inspection at all reasonable times.

Section 11. 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 May 9, 1983.
Passed 2nd reading May 9, 1983.

William E. Linder
Mayor

ATTEST: Lucinda Greene
Secretary

TITLE 1

ADMINISTRATION, OFFICERS, AND PERSONNEL¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. SECRETARY.
4. POLICE AND ARREST.
5. CITY COURT.
6. WORKHOUSE.
7. MISCELLANEOUS REGULATIONS--TOWN PERSONNEL.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Passage of ordinances.
- 1-105. Quorum.
- 1-106. Salary of aldermen and mayor.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 p.m. on the second Monday of each month at the city hall.

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

- (1) Call to order by the mayor.

¹For other provisions relating to administration, officers, and personnel, see the charter and/or the appropriate related title in this code. For example, for provisions relating to the organization of the fire department, see title 7; for provisions relating to the administration of utilities, see title 13.

²For charter provisions dealing with the board of mayor and aldermen, see particularly §§ 4--6.

- (2) Roll call by the mayor.
- (3) Reading of minutes of the previous meeting by the mayor and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment.

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code.

1-104. Passage of ordinances. All ordinances shall be introduced in written form and shall be passed on two (2) readings before becoming effective in accordance with their terms.

1-105. Quorum. Four (4) members of the board of mayor and aldermen -- three (3) aldermen and the mayor or four (4) aldermen without the mayor -- shall constitute a quorum for the transaction of business.

1-106. Salary of aldermen and mayor. Aldermen shall serve as such without compensation. The mayor shall receive such salary as may be set from time to time by the board of mayor and aldermen.

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

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

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

¹For duties of the mayor as outlined in the charter, see § 7.

CHAPTER 3

SECRETARY

SECTION

1-301. Appointment and duties.

1-301. Appointment and duties. At the first meeting after each municipal election, the board of mayor and aldermen shall appoint one of its members as secretary to serve until the next election. The secretary shall assist the mayor in keeping the minutes of the board of mayor and aldermen and shall attest the mayor's signature on all official town documents.

CHAPTER 4

POLICE AND ARREST¹

SECTION

- 1-401. Policemen subject to mayor's orders.
- 1-402. Policemen to preserve law and order, etc.
- 1-403. Policemen to wear uniforms and be armed.
- 1-404. When policemen to make arrests.
- 1-405. Policemen may require assistance.
- 1-406. Disposition of persons arrested.
- 1-407. Police department records.
- 1-408. Salaries.

1-401. Policemen subject to mayor's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the mayor may officially issue.

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

1-403. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment.

1-404. When policemen to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

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

¹For provisions relating to traffic citations, etc., see title 9, chapter 6, in this code.

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

1-406. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the municipal judge is not immediately available or the alleged offender does not post the required bond, he shall be confined.

1-407. Police department records. The police department shall keep a comprehensive and detailed daily record, in perform, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department.

1-408. Salaries. Police officers of the town shall receive such compensation as may be set from time to time by the board of mayor and aldermen.

CHAPTER 5

CITY COURT

SECTION

- 1-501. Office of municipal judge created.
- 1-502. Qualifications.
- 1-503. Appointment and term.
- 1-504. Vacancies.
- 1-505. Oath and bond.
- 1-506. Salary.
- 1-507. Maintenance of docket.
- 1-508. Issuance of arrest warrants.
- 1-509. Issuance of summonses.
- 1-510. Issuance of subpoenas.
- 1-511. Trial and disposition of cases.
- 1-512. Appearance bonds authorized.
- 1-513. Imposition of fines, penalties, and costs.
- 1-514. Appeals.
- 1-515. Bond amounts, conditions, and forms.
- 1-516. Disposition and report of fines, penalties, and costs.
- 1-517. Disturbance of proceedings.

1-501. Office of municipal judge created. Pursuant to §§ 17-1-501 and 17-1-502, Tennessee Code Annotated, the office of municipal judge is hereby created, and the holder of said office is hereby vested with all the judicial powers and functions heretofore vested in the mayor subject to the provisions of law and the charter and by-laws of the Town of Gibson governing the municipal court heretofore presided over by the mayor. [Ord. of Nov. 29, 1973, § 1]

1-501. Qualifications. The person appointed to the office of municipal judge shall be a resident within the corporate limits of the town and a legally qualified voter in the elections of the town. [Ord. of Nov. 29, 1973, § 2]

1-502. Appointment and term. The municipal judge shall be appointed by the board of mayor and aldermen of the Town of Gibson on majority vote to serve at the pleasure of the board of mayor and aldermen. [Ord. of Nov. 29, 1973, § 3]

1-503. Vacancies. Vacancies in the office of municipal judge shall be filled for the unexpired term by the board of mayor and aldermen. In the event the municipal judge is absent or disabled or unable to perform the functions of

office, the board of mayor and aldermen shall appoint an interim municipal judge to perform all functions and duties of the office during the time said officer is absent, disabled, or unable to perform said functions and duties. [Ord. of Nov. 29, 1973, § 4]

1-505. Oath and bond. The municipal judge, before he shall enter upon the duties of office, shall take an oath faithfully to carry out his duties and shall give bond and security for the faithful discharge of his duties in such sum as the board and mayor and aldermen may deem proper, payable to the mayor and board of aldermen or their successors in office. Provided, however, the cost of making said bond of the municipal judge shall be paid by the Town of Gibson out of its general funds. [Ord. of Nov. 29, 1973, § 5]

1-506. Salary. The salary of the municipal judge shall be fixed by the board of mayor and aldermen before the appointment of said office and shall not be altered during the term for which said municipal judge is appointed. Said salary will be in lieu of all other fees or other compensation provided for by the charter or by-laws of the town. [Ord. of Nov. 29, 1973, § 6]

1-507. Maintenance of docket. The municipal 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; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant.

1-508. Issuance of arrest warrants.¹ The municipal judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

1-509. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal judge, the judge may in his discretion, in lieu of issuing an arrest warrant, 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 ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully

¹See the Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

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.

1-510. Issuance of subpoenas. The municipal 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.

1-511. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the municipal judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court.

1-512. Appearance bonds authorized. When the municipal judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the municipal judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody.

1-513. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the municipal judge on the city court docket in open court.

In all cases heard or determined by him, the municipal judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases.

1-514. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days² next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

1-515. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the municipal judge shall

¹See § 8-21-401, Tennessee Code Annotated.

²See § 27-5-101, Tennessee Code Annotated.

prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable.

1-516. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the municipal judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over as soon as possible to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

1-517. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

CHAPTER 6

WORKHOUSE

SECTION

1-601. County workhouse to be used.

1-602. Inmates to be worked.

1-603. Compensation of inmates.

1-601. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county.

1-602. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners.

1-603. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.¹

¹See § 40-3204, Tennessee Code Annotated.

CHAPTER 7

MISCELLANEOUS REGULATIONS--TOWN PERSONNEL

SECTION

- 1-701. Business dealings.
- 1-702. Acceptance of gratuities.
- 1-703. Outside employment.
- 1-704. Political activity.
- 1-705. Use of municipal time, facilities, etc.
- 1-706. Use of position.
- 1-707. Strikes and unions.

1-701. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town.

1-702. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business.

1-703. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the town.

1-704. Political activity. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials.

1-705. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment,

or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services.

1-706. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

1-707. Strikes and unions. No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees.

TITLE 2

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

2-101. Prohibited generally.

2-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within the Town of Gibson. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight.

¹For provisions prohibiting drinking beer, etc., on the streets, etc., see title 10 in this code.

For general provisions in the state law, see title 57 of the Tennessee Code Annotated.

²See particularly title 39, chapter 25, of the Tennessee Code Annotated.

CHAPTER 2

BEER¹

SECTION

- 2-201. Legalizing manufacture and sale of beer.
- 2-202. Permit required.
- 2-203. Regulations.
- 2-204. Conditions precedent.
- 2-205. License revocable.
- 2-206. Approval of application.
- 2-207. Hours of sale.
- 2-208. Suspension of license.

2-201. Legalizing manufacture and sale of beer. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive and/or manufacture beer of alcoholic content of not more than five (5) percent by weight or any other beverage of like alcoholic content within the corporate limits of the Town of Gibson, subject to all regulations, limitations, and restrictions provided by sections 57-501, et. seq., Tennessee Code Annotated, or other laws of the state and subject to the rules, regulations, limitations, and restrictions hereinafter provided or hereafter promulgated. (as replaced by ord. No. 3)

2-202. Permit required. No person, firm, corporation, syndicate, or association shall engage in the storing, selling, distributing, and/or manufacturing of beer of alcoholic content of not more than five (5) percent by weight or other beverage of like alcoholic content within the corporate limits of the Town of Gibson until he shall have received a permit or license to do so from the mayor, which license shall at all times be subject to all the limitations and restrictions hereinafter provided. The mayor shall not issue such license unless and until he is instructed to do so by the board of mayor and aldermen as hereinafter provided. (as added by ord. No. 3)

2-203. Regulations. No license shall be issued to sell beer or other beverage coming within the provisions of this chapter or in violation of any

¹For a leading case in Tennessee on a municipality's authority to regulate beer, see the 1947 Tennessee Supreme Court decision in Grubb et al. v. Mayor and Aldermen of Morristown et al., 185 Tenn. 114, 203 S.W.2d 593.

For general business regulations, see title 5 in this code; for miscellaneous provisions prohibiting drinking beer on streets, etc., see title 10.

provisions of the state law, or where such sale will cause congestion of traffic or interfere with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety, or morals. The judgment of the board of mayor and aldermen on such matters shall be final except that same is subject to review at law. No license shall be issued to sell any beverage coming within the provisions of this chapter for consumption on the premises. (as added by ord. No. 3)

2-204. Conditions precedent. Before any license is issued by the mayor, the applicant therefor shall file with the board of mayor and aldermen a sworn petition in writing establishing the following facts which are hereby made conditions of any permit issued thereunder, and any misstatement of fact shall be sufficient cause for the revocation of such license.

(1) The applicant shall be a citizen of the United States or if a firm, syndicate, or association, the members thereof shall be citizens of the United States. The application shall designate the location of the premises where the business will be conducted and shall name the owner or owners of such premises.

(2) No person shall be employed in the sale of such beverages except at the place or places for which the board of mayor and aldermen has issued a license or licenses to said applicants.

(3) No sale shall be made to minors. Applicant shall not permit minors or any disorderly or disreputable person or persons previously convicted of violation of the liquor laws to loiter around or frequent his place of business.

(4) Applicant shall not allow any liquors or beverages of alcoholic content greater than five (5) percent by eight to be brought into his premises for consumption therein.

(5) Neither the applicant nor any person employed by him in the distribution, sale or manufacture of beer shall have been convicted of any violation of the laws of the State of Tennessee against the sale, manufacture, possession, or transportation of beer or intoxicating liquors or of any crime involving moral turpitude within the past ten years.

(6) Applicant shall conduct the business in person for himself. If applicant is acting as agent, the application shall state the person, firm, corporation, syndicate, association, or joint stock company for whom the applicant intends to act.

(7) Applicant shall not purchase beer except from manufacturers or distributors, licensed to manufacture or distribute such beverage in this state. No manufacturer or distributor shall sell beer for resale except to those who have been licensed by the board of mayor and aldermen.

Applicant shall submit with his application satisfactory evidence that he has registered and received from the Commissioner of Finance and Taxation of

the State of Tennessee a certificate showing such registration and that he has filed with said commissioner of finance and taxation a bond securing the payment of the state taxes.

The board of mayor and aldermen shall consider the applications filed and grant or refuse the license according to its best judgment of the facts and circumstances. The action of the board of mayor and aldermen in granting or refusing a license shall be final except as same is subject to review at law. (as added by ord. No. 3)

2-205. License revocable. Licenses issued pursuant to the authority of the board of mayor and aldermen shall be revocable at the discretion of said board of mayor and aldermen. Whenever it shall be brought to the attention of said board of mayor and aldermen that any declaration of fact contained in the application is false, or that there has been any violation thereof, or that the limitations and conditions of the license have been violated, or that the licensee permits minors to frequent or loiter around his place, or permits liquor or other beverages of alcoholic content greater than five (5) percent by weight to be brought on his premises or consumed thereon, or permits any drunken, disreputable, or disorderly person or persons heretofore connected with the violating of liquor laws to make his establishment a place of visitation or resort, fails to file a report or pay any tax or license fee required, or otherwise violates the provisions or restrictions of the state law or of any ordinance, said board of mayor and aldermen shall revoke such license. the revocation shall become final after five (5) days notice, unless the licensee within said five (5) days demands a hearing before the board of mayor and aldermen. At this hearing the burden shall be upon the licensee to show that he has not violated the declarations of fact or statements contained in his application and that he has not violated the state law or the provisions of this chapter. The action of the board of mayor and aldermen in affirming or setting aside its revocation of such license shall be final except as same is subject to review at law.

The board of mayor and aldermen shall have the right, in its discretion, where there has been a violation of the conditions specified in this section, to suspend licenses or permits for the sale of beer for a period of time not to exceed three (3) months before taking final action on the revocation of such permit or license; providing, however the licensee shall have a right to demand a hearing within five (5) days following the suspension and the action of the board in suspending the license or permit shall be subject to review at law.

Where a permit or license has been revoked by the board, no new license or permit shall be issued to permit the sale of beer on the same premises until after the expiration of one (1) year from the date said revocation becomes final and effective, unless there has been a bona fide change or transfer of title and ownership in and to the business and fixtures used in said business; provided,

further, that if there be a bona fide sale of the business and fixtures thereof, a sale or transfer of the real property on which said premises are located shall not be necessary. (as added by ord. No. 3)

2-206. Approval of application. Applications for license shall be filed with the mayor who shall make an investigation. The police department may assist in the investigation. Upon completion of said investigation, the mayor shall submit the application and recommendations to the board of mayor and aldermen at its next meeting. The board of mayor and aldermen shall consider the applications and shall endorse its actions thereon. If approved, the mayor shall issue a license. (as added by ord. No. 3)

2-207. Hours of sale. No sale of any beverage coming within the provisions of this chapter shall be made between the hours of 12 o'clock midnight and 7:00 A.M. on weekdays or between the hours of 12 o'clock midnight on Saturday and 7:00 A.M. on Monday. (as added by ord. No. 3)

2-208. Suspension of license. The mayor may suspend a license issued under the provision of this chapter for violation of sections 2-203, 2-204 and 2-205. Upon finding a violation, the mayor shall serve notice to the licensee stating the violation and shall require the licensee to show cause why the license shall not be suspended. The licensee shall have 24 hours in which to request a hearing. The police department shall post a notice of the suspension on the door of the premises and take whatever steps may be necessary to carry out this provision. No beer shall be sold on the premises during the suspension. (as added by ord. No. 3)

TITLE 3

ANIMALS AND FOWLS

(RESERVED FOR FUTURE USE)

TITLE 4

BUILDING, UTILITY, AND HOUSING CODES

(RESERVED FOR FUTURE USE)

TITLE 5

BUSINESSES, PROFESSIONS, AND OCCUPATIONS¹

CHAPTER

1. (RESERVED FOR FUTURE USE)
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.

CHAPTER 1

(RESERVED FOR FUTURE USE)

¹For provisions in this code prohibiting beer and liquor business, see title 2; for privilege tax provisions, etc., see title 6; for health and sanitation regulations with respect to certain businesses such as junk yards, etc., see title 8; and for restrictions on posting notices or advertisements and making noise to attract attention, see title 10.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 5-201. Permit required.
- 5-202. Exemptions.
- 5-203. Application for permit.
- 5-204. Issuance or refusal of permit.
- 5-205. Appeal.
- 5-206. Bond.
- 5-207. Loud noises and speaking devices.
- 5-208. Use of streets.
- 5-209. Exhibition of permit.
- 5-210. Policemen to enforce.
- 5-211. Revocation or suspension of permit.
- 5-212. Reapplication.
- 5-213. Expiration and renewal of permit.

5-201. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued.

5-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations.

5-203. Application for permit. Applicants for a permit under this chapter must file with the mayor a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

¹For privilege tax provisions, etc., see title 6 in this code.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the town to help defray the cost of investigating the facts stated therein.

5-204. Issuance or refusal of permit. (1) Each application shall be referred to the police department for investigation. The police department shall report its findings to the mayor within seventy-two (72) hours.

(2) If as a result of such investigation the police department reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the mayor shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the police department's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the mayor shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by section 5-206. The mayor shall keep a permanent record of all permits issued.

5-205. Appeal. Any person aggrieved by the action of the police department and/or the mayor in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant

at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

5-206. Bond. Every permittee shall file with the mayor a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given. The surety may be relieved without costs of all further liability by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced.

5-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell.

5-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

5-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen.

5-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced.

5-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen, after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the mayor in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) The mayor may suspend a permit pending the revocation hearing when reasonably necessary in the public interest.

5-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation.

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

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 5-301. Permit required.
- 5-302. Prerequisites for a permit.
- 5-303. Denial of a permit.
- 5-304. Exhibition of permit.

5-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the mayor authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church.

5-302. Prerequisites for a permit. The mayor shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

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

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

5-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited.

TITLE 6

FINANCE AND TAXATION

CHAPTER

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

CHAPTER 1

REAL PROPERTY TAXES

SECTION

- 6-101. When due and payable.
6-102. When delinquent--penalty and interest.

6-101. When due and payable. Taxes levied by the town against real property shall become due and payable annually on the first Monday of October of the year for which levied.

6-102. When delinquent--penalty and interest. 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 are authorized and prescribed by the state law for delinquent county real property taxes.

CHAPTER 2

PRIVILEGE TAXES

SECTION

6-201. Tax levied.

6-202. License required.

6-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (title 67, chapter 58, Tennessee Code Annotated) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the said act.

6-202. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the mayor to each applicant therefor upon such applicant's payment of the appropriate privilege tax.

CHAPTER 4

WHOLESALE BEER TAX

SECTION

6-301. To be collected.

6-301. To be collected. The mayor is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in chapter 6 of title 57, Tennessee Code Annotated.

TITLE 7

FIRE PROTECTION, FIREWORKS, AND EXPLOSIVES

CHAPTER

1. (RESERVED FOR FUTURE USE)
2. VOLUNTEER FIRE DEPARTMENT.

CHAPTER 1

(RESERVED FOR FUTURE USE)

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT

SECTION

7-201. Establishment, equipment, and membership.

7-202. Objectives.

7-203. Organization, rules, and regulations.

7-204. Records and reports.

7-205. Tenure and compensation of members.

7-206. Chief responsible for training and maintenance.

7-207. Use of equipment outside corporate limits

7-208. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint. [Ord. of Jun. 11, 1979, § 1]

7-202. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. [Ord. of Jun. 11, 1979, § 2]

7-203. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. [Ord. of Jun. 11, 1979, § 3]

7-204. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on

such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. [Ord. of Jun. 11, 1979, § 4]

7-205. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. [Ord. of Jun. 11, 1979, § 5]

7-206. Chief responsible for training and maintenance. The chief of the volunteer fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. [Ord. of Jun. 11, 1979, § 6]

7-207. Use of equipment outside corporate limits.¹ Equipment of the volunteer fire department may be used outside the corporate limits in all reasonable circumstances.

7-208. Chief to be assistant to state officer. Pursuant to requirements of section 53-2408 of the Tennessee Code Annotated, the chief of the volunteer fire department is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by chapter 24 of title 53 of said Tennessee Code Annotated, and shall be subject to the directions of the insurance commissioner in the execution of the provisions thereof. [Ord. of Jun. 11, 1979, § 8]

¹See § 8A of the town's charter.

TITLE 8

HEALTH AND SANITATION¹

CHAPTER

1. MISCELLANEOUS.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.

CHAPTER 1

MISCELLANEOUS

SECTION

- 8-101. Health officer.
- 8-102. Adulterated food, drugs, and cosmetics.
- 8-103. Communicable diseases.
- 8-104. House trailers.
- 8-105. Smoke, soot, cinders, etc.
- 8-106. Stagnant water.
- 8-107. Weeds.
- 8-108. Dead animals.
- 8-109. Health and sanitation nuisances.
- 8-110. Spitting on streets, etc.
- 8-111. Junk yards.

8-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. [Ord. of Apr. 4, 1980, § 1]

8-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within the town any provisions of the state food, drug, and cosmetic laws. [Ord. of Apr. 4, 1980, § 2]

8-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease, it shall be the duty of any attending physician and the head or other responsible person in such household possessing knowledge

¹For a provision prohibiting littering streets, etc., see § 12-106 in this code.

of the facts immediately to notify the health officer. The health officer shall thereupon make such investigation and issue such quarantine orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. [Ord. of Apr. 4, 1980, § 3]

8-104. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures. [Ord. of Apr. 4, 1980, § 4]

8-105. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. [Ord. of Apr. 4, 1980, § 5]

8-106. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. [Ord. of Apr. 4, 1980, § 6]

8-107. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by any police officer to cut such vegetation when it has reached a height of over one (1) foot. [Ord. of Apr. 4, 1980, § 7]

8-108. Dead animals. Any person owning or having possession of any dead animals not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. [Ord. of Apr. 4, 1980, § 8]

8-109. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. [Ord. of Apr. 4, 1980, § 9]

8-110. Spitting on streets, etc. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. [Ord. of Apr. 4, 1980, § 10]

8-111. Junk yards.¹ (1) Defined. "Junk yard" 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 where more than five (5) vehicles of any kind, incapable of being operated and which it would be economically impractical to make operative are found, and the term shall include garbage dumps and sanitary fills.

(2) All junk yards within the corporate limits shall be operated and maintained subject to the following regulations:

(a) No junk yard shall be located within five hundred (500) feet of a state highway nor on any street where fifty percent (50%) or more of the land is used or zoned for residential purposes.

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

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

(d) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

¹The provisions of this section were patterned after the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the 1961 case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W. 2d 818.

CHAPTER 2

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 8-201. Definitions.
- 8-202. Town compliance with legal requirements.
- 8-203. Regulated.
- 8-204. Statement required.
- 8-205. Inspections required.
- 8-206. Right to inspect.
- 8-207. Violations.
- 8-208. Protective devices.
- 8-209. "Water unsafe for drinking" requirement.
- 8-210. Penalties.

8-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) Public water supply. The waterworks system furnishing water to the Town of Gibson for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health.

(2) Cross connection. Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

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

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

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

¹The regulations in this chapter are recommended by the Tennessee Department of Public Health for adoption by cities.

See title 13 for provisions providing for the administration of the water and sewer systems.

(6) Person. Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. [Ord. of Jan. 8, 1979, § 1]

8-202. Town compliance with legal requirements. The Town of Gibson Public Water Supply is to comply with Sections 53-2001 and 53-2004 of the Tennessee Code Annotated, as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. [Ord. of Jan. 8, 1979, § 2]

8-203. Regulated. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and the operation of such cross connection, auxiliary intake, bypass, or interconnection is at all times under the direct supervision of the Superintendent of Water Works of the Town of Gibson. [Ord. of Jan. 8, 1979, § 3]

8-204. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of Water Works of the Town of Gibson a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, or bypasses, or that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. [Ord. of Jan. 8, 1979, § 4]

8-205. Inspections required. It shall be the duty of the Town of Gibson Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Superintendent of Water Works of the Town of Gibson and as approved by the Tennessee Department of Public Health. [Ord. of Jan. 8, 1979, § 5]

8-206. Right to inspect. The Superintendent of Water Works or authorized representative shall have the right to enter at any reasonable time,

any property served by a connection to the Town of Gibson Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. [Ord. of Jan. 8, 1979, § 6]

8-207. Violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of Water Works of the Town of Gibson. [Ord. of Jan. 8, 1979, § 7]

8-208. Protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed (1) Impractical to provide an effective air-gap separation; (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply; (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the Superintendent of Water Works of the Town of Gibson, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of Water Works of the Town of Gibson prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of water works or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of service is critical, the superintendent of water works shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the Superintendent of Water Works of the Town of Gibson. [Ord. of Jan. 8, 1979, § 8]

8-209. "Water unsafe for drinking" requirement. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

W A T E R U N S A F E
F O R D R I N K I N G

Minimum acceptable sign shall have black letters one-inch high located on a red background. [Ord. of Jan. 8, 1979, § 9]

8-210. Penalties. Any person violating the provisions of this chapter shall be guilty of a misdemeanor. The imposition of a penalty under the general penalty clause for this code shall not prevent the revocation of any permit or license or the taking of any punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. [Ord. of Jan. 8, 1979, § 10]

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 8-301. Definitions.
- 8-302. Places required to have sanitary disposal methods.
- 8-303. When a connection to the public sewer is required.
- 8-304. When a septic tank shall be used.
- 8-305. Registration and records of septic tank cleaners, etc.
- 8-306. Use of pit privy or other method of disposal.
- 8-307. Approval and permit required for septic tanks, privies, etc.
- 8-308. Owner to provide disposal facilities.
- 8-309. Occupant to maintain disposal facilities.
- 8-310. Only specified methods of disposal to be used.
- 8-311. Discharge into watercourses restricted.
- 8-312. Pollution of ground water prohibited.
- 8-313. Enforcement of chapter.
- 8-314. Carnivals, circuses, etc.
- 8-315. Violations.

8-301. Definitions. The following definitions shall apply in the interpretation of this chapter.

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

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

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

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

(5) Approved septic tank system. A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the

¹See title 13 of this code for other provisions relating to the administration and operation of the sewer system.

Tennessee Department of Public Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) Sanitary pit privy. A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) Other approved method of sewage disposal. Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) Watercourse. Any natural or artificial drain which conveys water either continuously or intermittently.

8-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta.

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

8-304. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the

health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health.

8-305. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer.

8-306. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under section 8-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided.

8-307. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility requiring the approval of the health officer under this chapter shall, before the initiation of construction, obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system.

8-308. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 8-302, or the agent of the owner, to provide such facilities.

8-309. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein.

8-310. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal as specified in this chapter.

8-311. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under

conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board.

8-312. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening, either natural or artificial, in any formation which may permit the pollution of ground water.

8-313. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction.

8-314. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section.

8-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code.

TITLE 9

MOTOR VEHICLES AND TRAFFIC¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. Motor vehicle requirements.
- 9-102. Authorized emergency vehicles defined.
- 9-103. Operation of authorized emergency vehicles.
- 9-104. Following emergency vehicles.
- 9-105. Running over fire hoses, etc.
- 9-106. Driving on streets closed for repairs, etc.
- 9-107. Reckless driving.
- 9-108. Driving under the influence.
- 9-109. Unlaned streets.
- 9-110. Laned streets.
- 9-111. Yellow lines.
- 9-112. Miscellaneous traffic-control signs, etc.
- 9-113. General requirements for traffic-control signs, etc.
- 9-114. Unauthorized traffic-control signs, etc.
- 9-115. Presumption with respect to traffic-control signs, etc.
- 9-116. School safety patrols.
- 9-117. Driving through funerals or other processions.
- 9-118. Damaging pavements.
- 9-119. Clinging to vehicles in motion.
- 9-120. Riding on outside of vehicles.
- 9-121. Backing vehicles.

¹For provisions relating to obstructions and/or excavations in public streets, alleys, sidewalks, and rights of way, see title 12 in this code.

- 9-122. Projections from the rear of vehicles.
- 9-123. Causing unnecessary noise.
- 9-124. Vehicles and operators to be licensed.
- 9-125. Passing.
- 9-126. Bicycle riders, etc.

9-101. 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 chapter 9, title 55, of the Tennessee Code Annotated.

9-102. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police.

9-103. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the

¹See section 9-401 in this code for provisions with respect to the operation of other vehicles upon the approach of emergency vehicles.

safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

9-104. 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 (500) feet or drive or park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

9-105. 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.

9-106. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose.

9-107. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property.

9-108. Driving under the influence. (See the Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307)

9-109. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

(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.

9-110. 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.

9-111. 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.

9-112. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer.

9-113. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive.

9-114. 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.

¹See also §§ 9-405--9-408 in this code.

²This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.

9-115. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings, and devices are hereby expressly authorized, ratified, approved, and made official.

9-116. 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 police department 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.

9-117. 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.

9-118. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street.

9-119. 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.

9-120. 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.

9-121. 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.

9-122. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such

position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

9-123. 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.

9-124. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law."

9-125. 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.

9-126. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator

of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

No person under the age of fourteen (14) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.

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

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

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

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

CHAPTER 2

SPEED LIMITS

SECTION

9-201. In general.

9-202. At intersections.

9-203. In school zones.

9-204. In congested areas.

9-201. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply.

9-202. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets.

9-203. In school zones. Generally, pursuant to section 55-8-152, Tennessee Code Annotated, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) 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.

9-204. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by a authority of the town.

CHAPTER 3

TURNING MOVEMENTS

SECTION

9-301. Generally.

9-302. Right turns.

9-303. Left turns on two-way roadways.

9-304. Left turns on other than two-way roadways.

9-305. U-turns.

9-301. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹

9-302. 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.

9-303. 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 the intersection of the center lines of the two roadways.

9-304. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

9-305. U-turns. U-turns are prohibited.

¹See § 55-8-143, Tennessee Code Annotated.

CHAPTER 4

STOPPING AND YIELDING

SECTION

- 9-401. Upon approach of authorized emergency vehicles.
- 9-402. When emerging from alleys, etc.
- 9-403. To prevent obstructing an intersection.
- 9-404. At railroad crossings.
- 9-405. At "stop" signs.
- 9-406. At "yield" signs.
- 9-407. At traffic-control signals generally.
- 9-408. At flashing traffic-control signals.
- 9-409. Stops to be signaled.

9-401. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle¹ making use of audible and/or visual signals meeting the requirements of the laws of this state, 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.

9-402. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles.

9-403. 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.

9-404. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the

¹See § 9-102 in this code.

nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

9-405. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety.

9-406. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

9-407. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

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

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

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

(b) Pedestrians facing such signal shall not enter the roadway.

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway.

(4) Steady red with green arrow:

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

(b) Pedestrians facing such signal shall not enter the roadway.

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

9-408. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if there is no crosswalk or limit line, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 9-404 of this code.

9-409. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency.

¹See § 55-8-143, Tennessee Code Annotated.

CHAPTER 5

PARKING

SECTION

- 9-501. Generally.
- 9-502. Angle parking.
- 9-503. Occupancy of more than one space.
- 9-504. Where prohibited.
- 9-505. Loading and unloading zones.
- 9-506. Presumption with respect to illegal parking.

9-501. 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 the town shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right 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 police department.

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.

9-502. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet.

9-503. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space.

9-504. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

- (1) On a sidewalk.

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

9-505. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone.

9-506. 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.

CHAPTER 6

ENFORCEMENT

SECTION

- 9-601. Issuance of traffic citations.
- 9-602. Failure to obey citation.
- 9-603. Illegal parking.
- 9-604. Impoundment of vehicles.
- 9-605. Disposal of "abandoned motor vehicles."

9-601. Issuance of traffic citations. When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address.

9-602. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued.

9-603. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation.

For parking violations the offender may waive his right to a judicial hearing and have the charges disposed of out of court, and the fines shall be three dollars (\$3.00) within ten (10) days and five dollars (\$5.00) thereafter.

9-604. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any

vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored.

9-605. Disposal of "abandoned motor vehicles." "Abandoned motor vehicles," as defined in section 55-16-103, Tennessee Code Annotated, shall be impounded and disposed of by the police department in accordance with the provisions of sections 55-16-103 through 55-16-109, Tennessee Code Annotated.

TITLE 10

OFFENSES--MISCELLANEOUS¹

CHAPTER

1. GENERALLY.
2. ENUMERATED.

CHAPTER 1

GENERALLY

SECTION

10-101. Misdemeanors of the state adopted.

10-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against the Town of Gibson also. Any violation of any such law within the corporate limits is also a violation of this section.

¹For offenses relating to health and sanitation, see title 8; for traffic offenses, see title 9; for non-traffic offenses relating to streets and sidewalks, see title 12.

See sections 39-103 and 39-106 of the Tennessee Code Annotated for definitions of "misdemeanor."

CHAPTER 2

ENUMERATED

SECTION

- 10-201. Assault and battery.
- 10-202. Disturbing the peace.
- 10-203. Disorderly houses.
- 10-204. Immoral conduct.
- 10-205. Obscene literature, etc.
- 10-206. Indecent or improper exposure or dress.
- 10-207. Window peeping.
- 10-208. Profanity, etc.
- 10-209. Escape from custody or confinement.
- 10-210. Resisting or interfering with city personnel.
- 10-211. Impersonating a government officer or employee.
- 10-212. Weapons and firearms generally.
- 10-213. Air rifles, etc.
- 10-214. Throwing of missiles.
- 10-215. Gambling.
- 10-216. Promotion of gambling.
- 10-217. False emergency alarms.
- 10-218. Loitering.
- 10-219. Prowling.
- 10-220. Vagrancy.
- 10-221. Trespassing on trains.
- 10-222. Minors in beer places.
- 10-223. Abandoned refrigerators, etc.
- 10-224. Curfew for minors.
- 10-225. Malicious mischief.
- 10-226. Trespassing.
- 10-227. Posting notices, etc.
- 10-228. Public drunkenness.
- 10-229. Drinking beer, etc., on streets, etc.
- 10-230. Coercing people not to work.
- 10-231. Caves, wells, cisterns, etc.
- 10-232. Interference with traffic.
- 10-233. Anti-noise regulations.
- 10-234. Fortune telling, etc.
- 10-235. Wearing masks.

10-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person.

10-202. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

10-203. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person knowingly to visit any such house for the purpose of engaging in such activities.

10-204. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose.

10-205. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals.

10-206. Indecent or improper exposure or dress. It shall be unlawful for any person publicly to appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person.

10-207. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy, nor shall he loiter around or within view of any such window with the intent of watching or looking through it.

10-208. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general.

10-209. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement.

10-210. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the town while such officer or employee is performing or attempting to perform his municipal duties.

10-211. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee.

10-212. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the town.

10-213. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method.

10-214. Throwing of missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person.

10-215. Gambling. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing.

10-216. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia.

10-217. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such an act.

10-218. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use.

10-219. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at night between the hours of midnight and 6:00 a.m. without any visible or lawful business and when unable to give a satisfactory account of himself.

10-220. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, willfully to neglect to apply himself to some honest occupation.

10-221. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle.

10-222. Minors in beer places. No person under eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises.

10-223. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door.

10-224. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years to be abroad at night between 11:00 p.m. and 5:00 a.m. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor.

10-225. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him.

10-226. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

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

10-227. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so.

10-228. Public drunkenness. (See the Tennessee Code Annotated, sections 39-2531, et seq; see also title 33, ch. 8)

10-229. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has an appropriate permit and/or license for on premises consumption.

10-230. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion,

intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It expressly is not the purpose of this section to prohibit peaceful picketing.

10-231. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without placing thereon an adequate cover or safeguard.

10-232. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon.

10-233. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

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

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

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

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet,

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

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

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

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

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

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

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

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

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose

of attracting attention to any performance, show, sale, or display of merchandise.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

(a) Municipal vehicles. Any vehicle of the town while engaged upon necessary public business.

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

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

10-234. Fortune telling, etc. It shall be unlawful for any person to represent himself to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

10-235. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of ten (10) years.

(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the mayor to wear a traditional holiday costume.

TITLE 11

PLANNING AND ZONING

(RESERVED FOR FUTURE USE)

TITLE 12

STREETS AND OTHER PUBLIC WAYS AND PLACES¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 12-101. Obstructing streets, alleys, or sidewalks prohibited.
- 12-102. Trees projecting over streets, etc., regulated.
- 12-103. Trees, etc., obstructing view at intersections prohibited.
- 12-104. Banners and signs across streets and alleys restricted.
- 12-105. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 12-106. Littering streets, alleys, or sidewalks prohibited.
- 12-107. Obstruction of drainage ditches.
- 12-108. Abutting occupants to keep sidewalks clean, etc.
- 12-109. Parades, etc., regulated.
- 12-110. Operation of trains at crossings regulated.
- 12-111. Animals and vehicles on sidewalks.
- 12-112. Fires in streets, etc.

12-101. 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.

12-102. 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 (14) feet or over any sidewalk at a height of less than eight (8) feet.

12-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

¹See title 9 in this code for related motor vehicle and traffic regulations.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

12-104. 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 or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

12-105. 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.

12-106. 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.

12-107. 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.

12-108. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk.

12-109. 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 mayor. No permit shall be issued by the mayor unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately.

12-110. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a

speed in excess of twenty-five (25) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes.

12-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

12-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 12-201. Permit required.
- 12-202. Applications.
- 12-203. Fee.
- 12-204. Deposit or bond.
- 12-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 12-206. Restoration of streets, etc.
- 12-207. Insurance.
- 12-208. Time limits.
- 12-209. Supervision.
- 12-210. Driveway curb cuts.

12-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others 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 said permit shall be retroactive to the date when the work was begun.

12-202. Applications. Applications for such permits shall be made to the mayor, 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

¹Sections 12-201 through 12-209 in this chapter were patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the 1960 case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S. W. 2d 885.

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 mayor within twenty-four (24) hours of its filing.

12-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit.

12-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the mayor a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) 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 mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement and of making the refill if this is done by the 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 mayor a surety bond in such form and amount as the mayor shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

12-205. Manner of excavating--barricades and lights--temporary sidewalks. 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.

12-206. 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 town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the 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

mayor 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 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 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.

12-207. 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 mayor in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate.

12-208. 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 town if the 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 mayor.

12-209. Supervision. The mayor 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 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.

12-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the mayor. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width

at its outer or street edge, and when two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend into the street.

TITLE 13

UTILITIES AND SERVICES¹

CHAPTER

1. WATER AND SEWERS.

CHAPTER 1

WATER AND SEWERS

SECTION

- 13-101. Application and scope.
- 13-102. Definitions.
- 13-103. Obtaining service; water deposits.
- 13-104. Application and contract for service.
- 13-105. Service charges for temporary service.
- 13-106. Connection charges.
- 13-107. Nonresident users.
- 13-108. House trailers.
- 13-109. Multiple occupancy dwellings.
- 13-110. Meters.
- 13-111. Meter tests.
- 13-112. Schedule of rates.
- 13-113. Multiple services through a single meter.
- 13-114. Payment of charges.
- 13-115. Discontinuance or refusal of service.
- 13-116. Re-connection charge.
- 13-117. Termination of service by customer.
- 13-118. Access to customers' premises.
- 13-119. Inspections.
- 13-120. Customer's responsibility for system's property.
- 13-121. Customer's responsibility for violations.
- 13-122. Supply and resale of water.
- 13-123. Unauthorized use of or interference with water supply.

¹See title 8 in this code for provisions relating to cross-connections and for health and sanitation provisions relating to the sanitary sewer system, who must connect thereto, etc.

Electricity is currently furnished to the town by Gibson County Electric Membership Cooperative. Gas is furnished by Gibson County Utility District.

- 13-124. Limited use of unmetered fire line.
- 13-125. Damages to property due to water pressure.
- 13-126. Liability for cutoff failures.
- 13-127. Restricted use of water.
- 13-128. Interruption of service.

13-101. Application and scope. These rules and regulations are a part of all contracts for receiving water and/or sewer service from the Gibson Water and Sewer Department and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

13-102. Definitions. (1) Customer means any person, firm, or corporation who receives water and/or sewer service from the water and sewer department under either an express or implied contract.

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

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

(4) Discount date shall mean the tenth day of each month. The discount date is the last date upon which water charges can be paid without a late penalty.

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

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

13-103. Obtaining service; water deposits. A formal application for either original or additional service must be made and be approved by the water and sewer department before connection or meter installation orders will be issued and work performed.

A minimum deposit of fifteen dollars (\$15.00) for domestic and commercial non-tenant customers and twenty-five dollars (\$25.00) for tenants will be required before service is commenced. However, at the discretion of the management, additional deposits may be required in an amount not to exceed the estimated two and one-half (2) months bill under applicable rates. Upon discontinuance of service any water deposit will be applied to any bill that remains unpaid at the end of a thirty (30) day period. The remaining portion of the deposit will be returned to the customer.

13-104. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water and/or sewer service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the water and sewer department for the expense incurred in setting and removing the meter.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the water and sewer department to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the water and sewer department to the applicant for such service shall be limited to the return of any deposit made by such applicant.

13-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used.

13-106. Connection charges. (1) Water. Service lines will be laid by the water and sewer department, and the location of such lines will be determined by the department. The water and sewer department will tap main, make connection, and run a maximum of fifty (50) feet of service line to the meter at the following rate:

3/4" connection and meter	\$60.00
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Rates for connection and meter for larger diameter pipes will be determined by board of mayor and aldermen as individual applicants warrant.

Where the service line from tap on water main to meter location is in excess of the allowable fifty (50) feet, the additional piping will be installed on a labor and material cost basis.

(2) Sewer. All applicants for sewer service shall pay a non-refundable connection fee of seventy dollars (\$70.00) where taps are made on sewer mains that have been laid by the town at the expense of the town. [Ord. of Sep. 25, 1967, §§ 1 and 2]

13-107. Nonresident users. Nonresident users of the water and/or sewer system will pay a yearly fee in an amount to be set by the board of mayor and aldermen for the privilege of using the town's services. This fee will be in addition to monthly water and/or sewer charges.

13-108. House trailers. House trailers will be charged for water and sewage as separate households.

13-109. Multiple occupancy dwellings. All multiple occupancy dwellings constructed after February 12, 1973, must have separate water and sewer connections for each unit. The builder shall pay a tenant water deposit and water and sewer connection fees for each unit before utility tie-on.

13-110. Meters. All meters shall be installed, tested, repaired, and removed by the water and sewer department. No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the department. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

13-111. Meter tests. The water and sewer department will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures.

13-112. Schedule of rates. All water furnished by the water and sewer department shall be furnished under such rate schedules as the town may from time to time adopt by ordinance or resolution.¹

13-113. Multiple services through a single meter. No customer shall supply water and/or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the water and sewer department.

Where the water and sewer department allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or

¹Administrative ordinances and resolutions are of record in the mayor's office.

premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

13-114. Payment of charges. Charges for residential service will be due monthly.

Charges for commercial and industrial service may be due weekly, semimonthly, or monthly, at the option of the water and sewer department.

Water and/or sewer charges must be paid on or before the discount date to obtain the net rate; otherwise a late penalty will be added.

In the event charges are not paid on or before the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued, after opportunity for a hearing, if the charges are not paid on or before five (5) days after the discount date. The water and sewer department shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the charges is made at any time on the day that service is actually discontinued.

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

13-115. Discontinuance or refusal of service. The water and sewer department shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

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

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

Discontinuance of service by the water and sewer department for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

13-116. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of ten dollars (\$10.00) shall be

collected by the water and sewer department before service is restored. (as replaced by ordinance No. 2)

13-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

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

13-118. Access to customers' premises. The water and sewer department's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the department, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations.

13-119. Inspections. The water and sewer department shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The department reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or

not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the water and sewer department liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

13-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the water and sewer department shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer.

13-121. Customer's responsibility for violations. Where the water and sewer department furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

13-122. Supply and resale of water. All water shall be supplied within the town exclusively by the water and sewer department, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the water and sewer department.

13-123. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the water and sewer department's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the department. Any person guilty of violating this section shall be charged at the applicable rate for the estimated amount of water used in addition to any criminal liability to which he may be subject.

13-124. Limited use of unmetered fire line. Where a fireline is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the water and sewer department.

All fire hydrants shall be sealed by the department, and shall be inspected at regular intervals to see that they are in proper condition and that

no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the department a written notice of such occurrence.

13-125. Damages to property due to water pressure. The water and sewer department shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the department's water mains.

13-126. Liability for cutoff failures. The water and department's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

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

13-127. Restricted use of water. In times of emergencies or in times of water shortage, the water and sewer department reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

13-128. Interruption of service. The water and sewer department will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The department shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The department shall not be liable for any damages from

such interruption of service or for damages from the resumption of service without notice after any such interruption.