

**THE
BLAINE
MUNICIPAL
CODE**

Prepared by the

**MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE**

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

August 1997

CITY OF BLAINE, TENNESSEE

MAYOR

Vickie Vineyard

VICE MAYOR

Ronnie Kitts

ALDERMEN

Doug Cabbage
Melba L. Cabbage
James Copeland
Becky Corum
Dewayne Cupp
Duncan Earl
Patsy McElhaney
Daryl Williams

RECORDER

Elizabeth White

PREFACE

The Blaine Municipal Code contains the codification and revision of the ordinances of the City of Blaine, Tennessee. By referring to the historical citation appearing at the end of each section, the user can determine the origin of each particular section. The absence of a historical citation means that the section was added by the codifier. The word "modified" in the historical citation indicates significant modification of the original ordinance.

The code is arranged into titles, chapters, and sections. Related matter is kept together, so far as possible, within the same title. Each section number is complete within itself, containing the title number, the chapter number, and the section of the chapter of which it is a part. Specifically, the first digit, followed by a hyphen, identifies the title number. The second digit identifies the chapter number, and the last two digits identify the section number. For example, title 2, chapter 1, section 6, is designated as section 2-106.

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 locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the city's ordinance book or the city recorder for a comprehensive and up to date review of the city's ordinances.

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the city's charter.

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to 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 reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

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

1. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)

2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

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JANUARY 26, 1998

MEETING OF THE BOARD OF MAYOR AND ALDERPERSONS FOR THE CITY OF BLAINE, TENNESSEE

The Board of Mayor and Alderpersons for the City of Blaine met in session January 26, 1998 at 7 p.m. The meeting was held at Blaine City Hall.

Mayor Vineyard called the meeting to order. Invocation and the pledge were given. Roll call was taken with 9 members present and 1 absent. A quorum was declared.

APPROVAL OF MINUTES: Minutes of the previous meeting were approved with a motion by Ronnie Kitts and seconded by Darrell Williams. Motion carried with no questions or discussion.

APPROVAL OF TREASURER'S REPORT: Motion by Darrell Williams and seconded by Doug Cabbage to approve the December report. Motion carried with no questions or discussion.

PLANNING COMMISSION REPORT: Mayor Vineyard reported that Duncan Earl, Chairman, and Malba Cabbage, Co-Chair were not present. Mayor Vineyard chaired the meeting. The PC had a proposed subdivision request from Dana Neely, with the property located on Greer Road. No action was taken since Ms. Neely did not present a formal request with more information. The PC had telephone request from Roy Foust to rezone property located on Mountain Road from R-1 to B-2. Mr. Foust had ask the Mayor if he could put a junkyard there. Mayor Vineyard and City Attorney Bob Edwards met with Mr. Foust and explained to him the zoning ordinance doesn't allow for junkyards anywhere in the city. Mr. Foust called city hall to ask for rezoning for an automobile sales and repair shop, but did not make a formal request. No action was taken. Mr. Foust has approximately 10 junk cars on the property and they must be removed. Council agreed to have City Attorney Bob Edwards send Mr. Foust a certified letter giving him 10 days to remove the junk cars and tell him the junkyard would not be allowed. Rezoning would be impossible because the area is too congested. Mayor Vineyard reported that the PC will meet next month February 16 at 6 p.m. Due to the holiday (President's Day) council will meet February 23.

ROAD REPORT: Doug Cabbage said he had been ask if the city would take over Williams Lans. Mayor Vineyard explained that if anyone ask any council member about taking over private roads, refer them to city hall. We have city specs and each new road would have to be brought up to the city specs before we could consider taking them over. One example is the Indian Ridge Subdivision road, which had to be built according to city road specifications with an inspector approving all work before it was accepted by the city.

ORDINANCE O-97-06: Motion was made by Dwayne Cupp and seconded by Ronnie Kitts to accept the second reading of Ordinance O-97-06, an ordinance adopting and enacting a codification and revision of the ordinances. Motion carried with roll call vote taken. No questions or discussion.

NOVEMBER 17, 1997

MEETING OF THE BOARD OF MAYOR AND ALDERPERSONS FOR THE CITY OF BLAINE, TENNESSEE

The Board of Mayor and Alderpersons for the City of Blaine met in session at 7:00 p.m. for the purposed of having the regular scheduled meeting.

Mayor Vineyard called the meeting to order. Invocation and the pledge were given. Roll call was taken with 9 members of council present and one absent. A quorum was declared.

APPROVAL OF MINUTES: Motion by Dwayne Cupp and seconded by Darrell Williams to approve the minutes of the special called meeting held October 28th. The regular October 20 meeting was not held due to lack of quorum. Motion carried with no questions or discussion.

APPROVAL OF TREASURER'S REPORT: Motion by Melba Cabbage and seconded by Zack Rowland to approve the September and October treasurer's report. Motion carried with no questions or discussion.

POLICE DEPARTMENT REPORT: No report.

PLANNING COMMISSION REPORT: Chairman Duncan Earl reported that the new planner from the Local Planning Office is Jennifer Collins and she was present for the meeting. The Public Hearing was held on Resolution R-97-01 at 5:30 and the resolution was adopted at the PC meeting.

ROAD REPORT: Mayor Vineyard reported that some patch work has been done on Little Valley Road. Anthony has been trimming along the right of ways.

ORDINANCE O-97-05: Mayor Vineyard request that we wait until next month to have the second reading in order to publish for the public hearing in the legal section of the paper. It was published in the community happenings and we are not sure this is sufficient. Doug Cabbage stated that Jackie could enforce the state law and it basically states the same thing as the ordinance. City Attorney Bob Edwards said the language in the state law is the same thing as the ordinance. Mayor Vineyard said she will talk to Jackie about keeping a closer watch on the pedestrian situation. We will leave up to Jackie as to whether or not to have the public hearing next month.

ORDINANCE O-97-06: Motion was made by Dwayne Cupp and seconded by Doug Cabbage to accept the first reading Ordinance O-97-06, an ordinance adopting & enacting a codification and revision of the ordinances of the City of Blaine. With no discussion or questions motion carried with roll call vote.

OTHER BUSINESS: City Attorney Bob Edwards reported that Chancellor Rainwater had heard the John Coleman Hayes case. Chancellor Rainwater dismissed the case stating the reason was

ORDINANCE NO. _____

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

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

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

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

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

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Blaine Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person 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

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

workhouse, to the extent that his physical condition shall permit, until such civil 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.

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

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, _____, 19__.

Passed 2nd reading, _____, 19__.

Mayor

Recorder

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.

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. Board to act by ordinance or resolution.
- 1-105. Terms of mayor and aldermen.

¹Charter references

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

Municipal code references

- Building inspector: title 12.
- Zoning: title 14.

²Charter references

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

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

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the third Monday of each month at the place determined by the board of aldermen and published in the newspaper. (Ord. #0-78-01, June 1978)

1-102. Order of business. The order of business at all regular meetings of the board of mayor and aldermen shall be as follows, unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Invocation.
- (3) Pledge of allegiance.
- (4) Roll call by the recorder.
- (5) Reading of minutes of the previous meeting by the recorder with subsequent approval and correction.
- (6) Public forum.
- (7) Committee reports.
- (8) Old business.
- (9) New business.
- (10) Adjournment. (Ord. #0-78-01, June 1978)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or other statutes of the State of Tennessee. (Ord. #0-78-01, June 1978, modified)

1-104. Board to act by ordinance or resolution. The board of mayor and aldermen may act by either ordinances or resolution.

(1) The board may act by resolution upon the vote of a majority of the membership at any regular or special meeting; such resolution to become effective immediately.

(2) The board may act by ordinance pursuant to the provision of Tennessee Code Annotated, § 6-2-102 such ordinance to become effective immediately after passage, upon second reading. (Ord. #0-78-01, June 1978)

1-105. Terms of mayor and aldermen. Under the authority of Tennessee Code Annotated, § 6-3-104, the terms of the five (5) aldermen elected to office on the last Saturday in April, 1995 for four (4) years terms of office shall be extended to the last Saturday in April, 1999, or until their successors are elected and qualified, and the term of the mayor and four (4) aldermen elected on the last Saturday in April, 1996 for a term of five (5) years shall be extended

to the last Saturday in April, 2001, or until their successors are elected and qualified. (Ord. #0-94-02, Jan. 1995)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT¹

[RESERVED FOR FUTURE USE]

¹Charter references
City Judge--City Court: § 6-4-301.

TITLE 4**MUNICIPAL PERSONNEL****CHAPTER****1. PERSONNEL REGULATIONS.****CHAPTER 1****PERSONNEL REGULATIONS****SECTION**

- 4-101. General purpose.
- 4-102. Definitions.
- 4-103. Coverage.
- 4-104. Administration.
- 4-105. Compensation.
- 4-106. Recruitment and employment.
- 4-107. Hours of work.
- 4-108. Attendance.
- 4-109. Pecuniary interests.
- 4-110. Political activity.
- 4-111. Holiday leave.
- 4-112. Annual leave.
- 4-113. Sick leave.
- 4-114. Leave with pay.
- 4-115. Leave without pay.
- 4-116. Maternity leave.
- 4-117. Prohibitions.
- 4-118. Sexual harassment.
- 4-119. Separation and disciplinary action.
- 4-120. Training.
- 4-121. Retirement.
- 4-122. Records and reports.
- 4-123. Amendment of personnel rules.

4-101. General purpose. It is the purpose of this chapter to establish a fair and uniform system of personnel administration for all employees of the City of Blaine that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial applications of personnel policies and procedures free of personal and political considerations and without regard to race, religion,

national origin, political affiliations, sex, disability or age. (Ord. #0-94-01, June 1994)

4-102. Definitions. As used in this chapter the following quoted words and terms shall have the meanings enumerated hereinafter:

- (1) "Municipality" or "Town" or "City" shall mean the City of Blaine.
- (2) "Governing body" shall mean the board of mayor and alderman vested with power to enact ordinances and resolutions for the City of Blaine.
- (3) "Chief administrative officer" shall mean the mayor of the City of Blaine.
- (4) "Classified services" shall include positions in the city service except those listed under exempt services.
- (5) "Compensatory leave" is time off from work in lieu of monetary payment for overtime worked.
- (6) "Exempt service" is those not included in the classified service as defined in these personnel rules and regulations.
- (7) "Immediate family" includes spouse, children, brother, sister, mother, father, mother and father-in-law, grandparents, and grandchildren.
- (8) "Temporary employee" is an employee holding a position other than permanent, which is of a temporary, seasonal, casual, or emergency nature. (Ord. #0-94-01, June 1994)

4-103. Coverage. All offices and positions of the city are divided into the classified service and the exempt service. The exempt service shall include the following:

- (1) All elected officials and persons appointed to fill vacancies in elective offices.
- (2) The chief administrative officer and direct assistant(s) thereto.
- (3) All members of appointive boards, commissions, or committees.
- (4) City attorney.
- (5) Consultants, advisors, and counsel rendering temporary professional service.
- (6) Independent contractors.
- (7) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
- (8) Seasonal employees who are employed by the city for not more than three (3) months during the fiscal year.
- (9) Persons rendering part-time service defined as 20 hours per week or less.
- (10) Volunteer personnel, such as volunteer firemen; and all other personnel appointed to serve without compensation.

The following sections of this chapter apply only to the classified service unless otherwise specifically provided or necessarily implied. (Ord. #0-94-01, June 1994)

4-104. Administration. The chief administrative officer, or its governing body, shall have the basic responsibility for the personnel program as set forth in this chapter. In addition to other duties as set forth in this chapter, the chief administrative officer shall:

- (1) Exercise leadership in developing a system of effective personnel administration within the municipal departments subject to this chapter.
- (2) Recruit qualified applicants for employment.
- (3) Maintain records of all employees of the municipal departments.
- (4) Maintain and recommend a pay plan for all employees for the governing body approval. (Ord. #0-94-01, June 1994)

4-105. Compensation. (1) Hourly rates. If certain employees are paid on an hourly rate basis, such employees will be paid only for time actually worked except that employees called in or reporting for work shall be guaranteed pay for a minimum of two (2) hours work.

(2) Work week/work periods. Pursuant to the Fair Labor Standards Act, an employee work period is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Except as provided in special contracts of employment, public safety employees working under the FLSA 7(k) exemption and employees exempt from FLSA requirements, employees work 40 hours during the work period. The work period begins at 12:00 midnight on Sunday and ends at 12:00 midnight the Sunday following. Work schedules may vary in departments as necessary for the smooth operation of the city.

(3) Overtime. Unless otherwise exempt, employees who work overtime shall be compensated at a rate of one-and-one-half the employee's regular rate of pay for all hours worked in excess of 40 in the 7 day work period.

All overtime must have the prior approval of the chief administrative officer or his/her designee before the work is undertaken, except in the case of emergency. Overtime must be documented on the employee's records and initialed by the chief administrative officer or his/her designee.

(4) Compensatory time off. Compensatory time off at the rate of time and one half may be granted in lieu of pay for overtime hours worked. Department heads shall keep accurate records of compensatory time earned and used for each employee. Maximum accumulation of compensatory time shall not exceed 240 hours. All compensatory time earned and taken must be approved by the department head.

Compensatory time off must be granted within a reasonable period after being earned, and an employee can not be denied use of compensatory time unless it would disrupt departmental operations. If this is the case, alternate

times for use of compensatory time should be identified. (Ord. #0-94-01, June 1994)

4-106. Recruitment and employment. (1) Notification. The chief administrative officer shall prepare recruiting notices to publicize vacancies in the city workforce and to secure applicants for vacant positions. Such various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible.

(2) Recruitment by examination. All appointments in the classified service shall be made according to merit and fitness and may be subject to competitive examination. The governing board will make reasonable accommodations in the application and examination process to applicants with disabilities making a request for such accommodations.

(3) Medical/agility examination. For certain positions, the employee may be required to undergo a physical agility examination in order to determine the employees ability to perform the essential functions of the job. The chief administrative officer will make reasonable accommodations in the physical agility exam to applicants with disabilities making a request for such accommodations.

After a job offer has been made, prospective employees in certain positions may be required to undergo a medical examination by a competent examiner designated by the city. Medical examinations shall be at no expense to the employee. (Ord. #0-94-01, June 1994)

4-107. Hours of work. The governing body shall establish hours of work per week for each position in the classified service which shall be determined in accordance with the needs of service and which shall take into account the reasonable needs of the public who may be required to do business with various city departments. (Ord. #0-94-01, June 1994)

4-108. Attendance. An employee shall be in regular attendance at work in accordance with these rules. (Ord. #0-94-01, June 1994)

4-109. Pecuniary interests. No officer or employee of the city shall have any financial interests in the profits of any contract, service, or other work performed by the city; or shall personally profit directly or indirectly from any contract, purchase, sale, or service between the city and any person or company; or personally or as an agent provide any surety, bail, or bond required by law or subject to approval by the governing body. No officer or employee shall accept any free or preferred services, benefits, or concessions from any person or company. Any official or employee who violates the provisions of this section shall be guilty of misconduct in his service. (Ord. #0-94-01, June 1994)

4-110. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the board of mayor and aldermen. The restriction against running for office in the board of mayor and aldermen shall not apply to elective officials. (Ord. #0-94-01, June 1994, modified)

4-111. Holiday leave. The following legal holidays shall be observed by the city's employees: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day, Martin Luther King, and Presidents Day and other such days as may be designated by the governing body. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be observed as a holiday for city employees.

Where possible, every city employee shall be given approved holidays as set out in this section. When an employee must work on one of these holidays, he shall receive equivalent time off or, if necessary, double pay for time worked. In all cases, department heads shall attempt to arrange working schedules to permit time off for holidays in preference to extra pay. In order to receive pay for an observed holiday, an employee must not have been absent without leave either on the work day before or the day after the holiday. (Ord. #0-94-01, June 1994)

4-112. Annual leave. All permanent employees who have been continuously employed for a period of one (1) year or longer shall be credited with earned vacation leave in accordance with the following schedule:

<u>Completed-Service</u>	<u>Vacation Credit - Per Year</u>
1-2 years	1 work week
3-5 years	2 work weeks
6-10 years	3 work weeks
11+ years	3 work weeks

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment date, but shall not be entitled to take vacation until they have completed one (1) year of service. Vacation leave may be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operational requirements of the department.

Employees who resign from service with the city and give two weeks notice will be entitled to receive pay for their unused accumulated annual leave as of the date of resignation.

Part-time and temporary employees shall not be entitled to vacation leave except when approved by the governing body. (Ord. #0-94-01, June 1994)

4-113. Sick leave. Sick leave with pay shall be granted all full-time employees, except emergency employees, who have completed at least 6 months of continuous service with the city, at the rate of one (1) working day for each completed month of service. A working day is defined as 6 hours for the city recorder and 8 hours for police and maintenance employees. There shall be a 60 day sick leave accrual limit.

Sick leave with pay shall be granted for the following reasons: Personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's immediate family that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations; or to keep a doctor's appointment.

Sick leave shall not be considered as a right which an employee may use at his discretion, but rather as a privilege.

When an employee is absent due to reasons as provided in this section in order to be granted sick leave with pay he must meet the following conditions: Notify his immediate supervisor prior to the beginning of the scheduled work day of the reason for absence; present, if required by the department head, evidence of such medical examination or nursing visit or inquiry as these officials deem advisable; submit, if required by the department head, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and if absent 5 days or longer that he is again physically able to perform his duties. These provisions are applicable, unless otherwise noted, only if the period of absence is three (3) days or longer.

Sick leave may be taken as necessary, but may not be extended or overdrawn beyond the accrual at the time of absence. Provided, however, that at the request of the employee any accrued vacation balance may be applied and extended as though it were sick leave, but only in the event of extended illness. Claiming sick leave when physically fit shall be grounds for discharge.

The city may "buy back" accumulated sick days from employees on a one-to-one basis, at the employee's regular rate of pay, provided the employee always maintains at least 30 accumulated sick leave days. (Ord. #0-94-01, June 1994)

4-114. Leave with pay. Leave with pay may be authorized in order that regular employees may serve required court and jury duty, provided that such

leave is reported in advance to the supervisor. Time off is also allowed for voting.

A regular employee who has completed at least 6 months of service with the city and who is a member of any reserve component of the United States Armed Forces will be allowed leave of absence with pay for a period not in excess of fifteen (15) calendar days during one (1) year (as stated in Tennessee Code Annotated, § 8-33-109).

An employee may be absent and continue to be paid for death in the family. Bereavement time off is charged to the employee's sick leave or annual leave allowance after the first three (3) days with pay. (Ord. #0-94-01, June 1994)

4-115. Leave without pay. Leave of absence without pay may be granted, under special circumstances, by the chief administrative officer with approval of the governing body. In no case will the leave of absence be extended more than thirty days. (Ord. #0-94-01, June 1994)

4-116. Maternity leave. Maternity leave may be granted regular employees. Accrued sick leave may be used, as well as annual leave, if the employee so elects during the excused absence period. (Ord. #0-94-01, June 1994)

4-117. Prohibitions. No person shall be appointed to or promoted to, or demoted or dismissed from any position in the classified service, or in any way be favored or discriminated against with respect to employment in the classified service because of race, religion, national origin, political affiliation, sex, disability, or age.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion, or dismissal from a position in the classified service.

No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the classified service, or any increase in wages or other advantage in employment in such position, for the purpose of influencing the vote or political action of any person, or for any other consideration.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment or promotion, or any advantage in, a position in the classified service. Any officer or employee who violates any of the provisions of this section shall forfeit his office or position. (Ord. #0-94-01, June 1994)

4-118. Sexual harassment. Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct by women toward women. Consequently, this policy applies to all officers and employees of the City of Blaine, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel rules or regulation of the city, and employees working under contract for the city.

Sexual harassment or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; making inappropriate sex-oriented comments on appearance; telling embarrassing sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees, or on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting, or unreasonably interferes with work performance is an unlawful employment practice and is absolutely prohibited by the city. (Ord. #0-94-01, June 1994)

4-119. Separation and disciplinary action. All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay-off, disability, death, retirement and dismissal. At the time of separation and prior to final payment, all records, assets, and other items or city property in the employee's custody shall be transferred to the department head and certification to this effect shall be executed. Any amount due to a shortage in the above shall be withheld from the employee's final compensation.

(1) **Resignation.** An employee may resign by submitting in writing the reasons and the effective date, to his department head as far in advance as possible, but a minimum of two weeks notice is requested. Failure to comply with this requirement may be cause for denying future employment with the city. Unauthorized absence from work for a period of three (3) consecutive days may be considered by the department head as a resignation. Department heads shall forward all notices of resignation to the chief administrative officer immediately upon receipt.

(2) **Lay-off.** The governing body may lay-off any employee in the classified service when it deems it necessary by reason of shortage of funds or work, the abolition of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee.

(3) Disability. An employee may be separated for disability when he cannot perform the essential functions of the position because of a physical or mental impairment which cannot be reasonably accommodated by the city without undue hardship. Action may be initiated by the employee or the city, but in all cases it must be supported by medical evidence acceptable to the governing body. The city may require an examination at its expense and performed by a licensed physician of its choice.

(4) Retirement. Whenever an employee meets the conditions set forth in the pension retirement plan regulations, he may elect to retire and receive all benefits earned in the city's retirement plan.

(5) Disciplinary action. Whenever employee performance, attitude, work habits, or personal conduct fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and shall give them counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employee's personnel folder.

An employee may be suspended without pay by his department head, with the approval of the governing board, for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence, or other justified reasons when alternate personnel actions are not appropriate, but not to exceed five (5) days in any twelve (12) month period. A written statement of the reason for suspension shall be submitted to the employee affected at least twenty-four (24) hours prior to the time the suspension becomes effective. A regular employee in the classified service may be suspended by the chief administrative officer without pay for a longer period pending the investigation or hearing of any charges against him. An employee determined to be innocent of the charges against him shall be returned to duty with full pay for the period of suspension.

(6) Dismissal. The governing body, may dismiss or demote an employee for the good of the city service. Reasons for dismissal may include, but shall not be limited to: incompetency or inefficiency in the performance of duties; conviction of a criminal offense or of a misdemeanor involving moral turpitude; violations of any lawful and reasonable regulation, order or direction made or given by a superior officer; or insubordination that constitutes a serious breach of discipline; public intoxication or drinking any intoxicating beverages while on duty; being addicted to the use of narcotics or being under the influence of a drug or narcotic while on duty; theft, destruction, carelessness, or negligence in

the use of the property of the city; disgraceful personal conduct or language toward the public, toward fellow officers or employees, or abusive public criticism of his superior or other public officials; unauthorized absences or abuse of leave privileges; acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties; falsification of records or use of official position for personal advantage; failure to pay or to make reasonable provision for the future payment of just debts; loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his duties; violation of any of the provisions of the charter, ordinance, or these rules.

The employee shall be furnished an advance written notice within seven (7) days containing the nature of the proposed action, the reasons therefore and his right to answer the charges in writing. This notice shall be furnished at least one (1) calendar week prior to the date of the transmittal; the employee may be retained in duty status, on leave or suspended with or without pay at the discretion of the governing body. If the employee fails to respond to the advance notice, the proposed action of the governing body shall be effective on the date specified with no need for further action. Otherwise, the governing body shall carefully consider the appeal of the employee before making a final decision. (Ord. #0-94-01, June 1994)

4-120. Training. It will be the responsibility of the chief administrative officer to promote training of employees for the purpose of improving the quality of personnel service rendered to the city and to assist employees to equip themselves for advancement in the service. (Ord. #0-94-01, June 1994)

4-121. Retirement. The City of Blaine shall enroll its employees in the Social Security System of the United States and shall comply with all laws and regulations applicable thereto. (Ord. #0-94-01, June 1994)

4-122. Records and reports. Personnel records shall be public records and shall be open for public inspection during office hours and reasonable times in accordance with such procedures as may be prescribed. The chief administrative officer shall retain records necessary to the proper administration of the personnel system.

The chief administrative officer shall prescribe necessary forms and reports for all necessary personnel change actions. (Ord. #0-94-01, June 1994)

4-123. Amendment of personnel rules. Amendments or revisions to these Rules may be recommended for adoption by the chief administrative officer, or by the governing body of its own motion. Such amendments or

revisions of these rules shall become effective upon approval by ordinance of the governing body.

Should there be a conflict between this personnel chapter and the administrative rules of any department, the provisions of this chapter shall govern. (Ord. #0-94-01, June 1994)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

[RESERVED FOR FUTURE USE]

¹Charter references

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

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST

SECTION

6-101. Sheriff of Grainger County to enforce ordinances of city.

6-102. All arrests shall be tried by general sessions court.

6-103. Mayor authorized to enter into contract with sheriff, general sessions court, and county.

6-104. Certified copy of this chapter to be filed with sheriff and general sessions court of county.

6-105. Costs and fees of court.

6-101. Sheriff of Grainger County to enforce ordinances of city.

The Sheriff of Grainger County, Tennessee, is hereby empowered and authorized to enforce the ordinances of Blaine, Tennessee. (Ord. #0-79-05, Dec. 1979)

6-102. All arrests shall be tried by general sessions court.

All arrests or citations to court for violations of the ordinances of Blaine, Tennessee, shall be tried and disposed of by the general sessions court of Grainger County, Tennessee. (Ord. #0-79-05, Dec. 1979)

6-103. Mayor authorized to enter into contract with sheriff, general sessions court, and county.

The mayor is hereby directed to enter into an agreement, on behalf of the City of Blaine, with the sheriff, general sessions court, and the governing body of Grainger County to provide for the enforcement of the ordinances of Blaine, Tennessee, in accordance with the provisions of Tennessee Code Annotated, § 12-9-104. (Ord. #0-79-05, Dec. 1979)

6-104. Certified copy of this chapter to be filed with sheriff and general sessions court of county.

Upon the adoption of this chapter, a certified copy of each existing ordinance of Blaine, Tennessee, be filed with both the sheriff and general sessions court of Grainger County. Further, that a certified copy of all future ordinances of Blaine, Tennessee, be filed with the sheriff and the general sessions court of Grainger County immediately after adoption. (Ord. #0-79-05, Dec. 1979)

6-105. Costs and fees of court. In all city cases the costs and fees of the court shall be the same as provided by law for courts of general sessions for similar work in state cases unless otherwise provided by law. (Ord. #0-79-05, Dec. 1979)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

[RESERVED FOR FUTURE USE]

¹Municipal code reference
Building, etc. codes: title 12.

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

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

8-101. Prohibited generally.

8-101. 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 this municipality. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (Ord. #0-79-03, Oct. 1979)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2**BEER**¹**SECTION**

8-201. Business prohibited.

8-202. Beer defined.

8-203. Enforcement.

8-201. Business prohibited. It shall be unlawful for any person to sell, possess for sale, store for sale, distribute for sale, or to manufacture beer within the corporate limits of the municipality of Blaine, Tennessee. (Ord. #0-79-03, Oct. 1979)

8-202. Beer defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #0-79-03, Oct. 1979)

8-203. Enforcement. The enforcement of this title shall be by any law enforcement officers, including the sheriff, sheriff's deputies, constables, Tennessee Highway Patrolmen and city policemen. (Ord. #0-79-03, Oct. 1979)

¹State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

[RESERVED FOR FUTURE USE]

¹Municipal code references

Building regulations: title 12.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

TITLE 10

ANIMAL CONTROL

[RESERVED FOR FUTURE USE]

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
11-102. Penalty.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer 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. (Ord. #0-81-03, Feb. 1982)

11-102. Penalty. Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of any such provision shall be punishable in accordance with the general penalty provision in this municipal code of ordinances. (Ord. #0-81-03, Feb. 1982, modified)

¹Municipal code references

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-201. Disturbing the peace.
- 11-202. Anti-noise regulations.
- 11-203. Penalty.

11-201. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (Ord. #0-81-03, Feb. 1982)

11-202. 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, 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, 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 application 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, or 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 city while engaged upon necessary public business.

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (Ord. #0-81-03, Feb. 1982)

11-203. Penalty. Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of any such provision shall be punishable in accordance with the general penalty provision in this municipal code of ordinances. (Ord. #0-81-03, Feb. 1982, modified)

CHAPTER 3

MISCELLANEOUS

SECTION

11-301. Curfew for minors.

11-302. Penalty.

11-303. Destruction of property unlawful.

11-301. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor, or unless coming directly from a place of employment or other lawful activity directly to his place of residence. (Ord. #0-81-03, Feb. 1982)

11-302. Penalty. Wherever in the above section any act is prohibited or is made or declared to be unlawful, the violation of any such provision shall be punishable in accordance with the general penalty provision in this municipal code of ordinances. (Ord. #0-81-03, Feb. 1982, modified)

11-303. Destruction of property unlawful. It shall be unlawful for any person to wilfully or wantonly deface, destroy or otherwise wrongfully interfere with the possession or use of the property of another, real or personal.

Every person who violates this section shall be punishable in accordance with the general penalty provision in this municipal code of ordinances. (Ord. #0-79-04, Oct. 1979, modified)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. MODEL ENERGY CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Building permit required.
- 12-103. Modifications.
- 12-104. Available in recorder's office.
- 12-105. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, the Standard Building Code², 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (Ord. #0-86-05, July 1986, modified)

12-102. Building permit required. Prior to starting any new construction, alteration, repair, rehabilitation, or any other improvements or demolition a building permit shall be required. (Ord. #0-86-05, July 1986)

12-103. Modifications. The following modifications from the Standard Building Code are hereby adopted.

- (1) Where the value of construction does not exceed \$1000 and/or where such construction consists of replacing doors, windows or doors, replacing

¹Municipal code references

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

bathroom or kitchen fixtures (not including heating or air conditioning units or water heaters or installation of new plumbing), or minor masonry work, repair to stairs, gutter repair or replacement, no building permit shall be required. All painting exempted.

(2) The salary and qualifications of the building inspector shall be established by the mayor and board of aldermen.

(3) The qualifications of the board of housing appeals shall be established by the mayor and board of aldermen.

(4) The building permit fees shall be established by the mayor and board of aldermen. (Ord. #0-86-05, July 1986)

12-104. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #0-86-05, July 1986, modified)

12-105. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted and modified. Violations shall require that the building permit fees be doubled as a penalty in addition to any court action or fines. (Ord. #0-86-05, July 1986)

CHAPTER 2

MODEL ENERGY CODE¹

SECTION

- 12-201. Model energy code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violation and penalty.

12-201. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code² 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-202. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Blaine. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

12-203. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

¹State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-204. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

[RESERVED FOR FUTURE USE]

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

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

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (Ord. #0-85-04, Nov. 1985, modified)

14-102. Organization, powers and duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (Ord. #0-85-04, Nov. 1985, modified)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Blaine shall be governed by the ordinance titled "Zoning Ordinance for the City of Blaine, Tennessee, 1986" and any amendments thereto.¹

¹The zoning ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

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

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. TRUCK REGULATIONS.
2. SPEED LIMITS.

CHAPTER 1

TRUCK REGULATIONS

SECTION

- 15-101. Definitions.
- 15-102. Trucks and fixed load vehicles prohibited on certain streets.
- 15-103. Exceptions.
- 15-104. Streets prohibiting truck and fixed load vehicle traffic to be posted.
- 15-105. Parking limited.
- 15-106. Enforcement.
- 15-107. Violations and penalties.

15-101. Definitions. (1) "Truck." Any motor vehicle designed, used, or maintained primarily for the transportation of property exceeding 14,000 pounds gross volume weight (loaded or unloaded).

(2) "Fixed load vehicle." Any vehicle not designed or used to carry, convey, or move any freight, property, article, or thing over highway and streets, except its own weight and that of any equipment, appliance, or apparatus constructed as part of, or permanently attached to the body of such vehicle where the weight of such vehicle exceeds 18,000 pounds gross volume weight (loaded or unloaded). This definition includes well-drilling apparatus, cranes, portable feed mills, and other similar vehicles. (Ord. #0-87-03, Aug. 1987)

15-102. Trucks and fixed load vehicles prohibited on certain streets. It shall be unlawful to operate any truck or fixed load vehicle on the streets designated herein, except for the purpose of making a delivery to or performing a service upon a property having frontage upon a street so designated.

- (1) Blaine Drive.
- (2) Clinch Valley Drive.

¹Municipal code reference

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

- (3) Mynatt Drive.
- (4) Old Rutledge Pike, East from Indian Cave Road to its intersection with Highway 11W.
- (5) Ritz View Drive.
- (6) Mountain Road.
- (7) McBee Mill Road.
- (8) Zachary Road. (Ord. #0-87-03, Aug. 1987)

15-103. Exceptions. The provisions of this chapter shall not apply to emergency vehicles, vehicles used to remove disabled vehicles, school buses, or to any road construction equipment operated by or for the city in connection with repairs on property or right-of-way owned by the city. (Ord. #0-87-03, Aug. 1987)

15-104. Streets prohibiting truck and fixed load vehicle traffic to be posted. It shall be the duty of chief elected official, or his her designee, to have appropriate signs established and maintained at each end of a street, or at the beginning and end of any portion of any street, on which truck and fixed load vehicle traffic has been restricted. (Ord. #0-87-03, Aug. 1987)

15-105. Parking limited. No truck or fixed load vehicle, school bus, or other vehicle which by virtue of its height, width, or weight, may constitute a hazard to the traveling public if left unattended, shall be parked and left unattended on any city street, or state, or federal highway located within the city. (Ord. #0-87-03, Aug. 1987)

15-106. Enforcement. This chapter shall be enforced by the chief elected official or his/her designee, the Grainger County Sheriff's Department, and the Tennessee Highway Patrol on state roads, where applicable. (Ord. #0-87-03, Aug. 1987)

15-107. Violations and penalties. Persons violating the provisions of this chapter shall be subject to receiving any or all of the penalties which may be set out in the municipal code for violation of such code. (Ord. #0-87-03, Aug. 1987)

CHAPTER 2

SPEED LIMITS

SECTION

15-201. In general.

15-202. At intersections.

15-203. In school zones.

15-204. Penalties.

15-201. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street in the City of Blaine at a rate of speed in excess of twenty (20) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (Ord. #0-85-02, Sept. 1985)

15-202. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection in the City of Blaine 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. (Ord. #0-85-02, Sept. 1985)

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

When the governing body has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of 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. (Ord. #0-85-02, Sept. 1985)

15-204. Penalties. Any person violating any provision of this chapter shall be guilty of an offense, and shall be fined a minimum of ten dollars (\$10.00) and a maximum of fifty dollars (\$50.00) for each such violation. (Ord. #0-85-02, Sept. 1985)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Qualifications for road construction companies.
- 16-102. Planning commission to approve new easements, roads, etc.
- 16-103. Bond required before construction on, in or under a public street.
- 16-104. Standard for street acceptance.
- 16-105. Procedures for street closings.
- 16-106. Vision along roadways to be unobstructed by trees, shrubs, or other vegetation.

16-101. Qualifications for road construction companies. Contractors awarded contracts for new street construction or resurfacing of existing streets in the City of Blaine shall be required to carry a one (1) year road maintenance bond on any such work. (Ord. #0-81-01, Feb. 1981)

16-102. Planning commission to approve new easements, roads, etc. Before any individual, family, corporation, firm, utility, or other entity attempts to develop a new road, public or private easement, driveway, or other means of access to property from a city, state, or federally owned road, street, or right-of-way, the city's planning commission must give approval to insure that such access will not endanger vehicular movement, cause dangerous intersection, or otherwise impede or imperil the flow of traffic. (Ord. #0-86-03, July 1986)

16-103. Bond required before construction on, in or under a public street. Before any individual family, corporation, utility, business firm or other entity attempts to cut into, onto, under or through a public street, the planning commission must give approval; a cash surety or other type of bond in a minimum amount of \$1,000, which must be posted with the city. The bond

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

may be increased by the planning commission depending on the extent of the disruption of the roadbed. Those individuals, firms, or other entities cutting into the roadbed must certify to the city that road repairs will be made. If road repairs are not made satisfactorily and the roadbed shows uneven, hazardous, or shoddy repair, the bond shall be used to provide satisfactory repairs. (Ord. #0-86-02, July 1986)

16-104. Standard for street acceptance. Upon receipt of a petition to the Blaine Municipal Planning Commission, the commission and its staff shall review the request for compliance with the following standards:

- (1) Plat. The proposed street shall be shown on a survey plat.
- (2) Right-of-way. The amount of right-of-way required shall be determined by classification of the proposed street by the planning commission under the following classifications:

Collector Street	50-60 feet
Minor Residential Street	50 feet
Cul-de-sacs	40 feet

In cases where topography or other physical conditions make these minimum widths impracticable, the planning commission may modify the above requirements. However, in no case shall a right-of-way be less than thirty (30) feet.

- (3) Minimum improvements. The street shall be properly graded and adequately drained with ditches and tiles or curbs sufficient to carry the normal flow of storm water as determined by standards adopted by the Blaine Municipal Planning Commission.

The street shall be constructed according to the following standards adopted by the Blaine Municipal Planning Commission: Pavement widths shall be 18 feet minimum and 24 feet major width. A compacted and approved sub-base shall consist of a 6" compacted crushed aggregate, 4" asphalt including 2½" binder and 1½" surface. Or, a 6" class A concrete minimum of 18 foot width with a reinforcing wire on a selected compacted base. Curb/gutter may not be required, depending on individual cases. (Ord. #0-86-06, July 1986)

16-105. Procedures for street closings. Upon receipt of a petition to the Blaine Municipal Planning Commission, the commission and staff shall review the request and make a recommendation to the Blaine Board of Mayor and Aldermen. Upon receipt of the recommendation, the board of mayor and aldermen will hold a public hearing on the request. If the decision is to close the street, any costs involved in platting, mapping, describing, or deeding shall be charged to the property owners benefiting from the action. The street will be

closed in preparation of an ordinance describing the street to be closed. (Ord. #0-86-06, July 1986)

16-106. Vision along roadways to be unobstructed by trees, shrubs, or other vegetation. It shall be unlawful for any person owning, leasing, occupying, or having control of property to obscure or obstruct the vision of operators of vehicles or pedestrians by allowing the uncontrolled growth of trees, tree limbs, shrubs, or other vegetation which block vision at intersections, traffic signs, or cause other unsafe conditions.

(1) Upon notice from city hall that trees, shrubs, or other vegetation is posing a hazard to safe vehicular or pedestrian movement, the property's owner/occupant or leasee has ten (10) days to trim or remove such vegetation.

(2) When any property owner, occupant, or leasee fails to comply with the notice from city hall, the city may have the work done and charged to the violator. The city may maintain any appropriate legal action to collect such costs. In addition, the city may charge such costs to the property as a special tax assessment in the year occurred. (Ord. #0-86-07, Nov. 1986)

TITLE 17

REFUSE AND TRASH DISPOSAL

[RESERVED FOR FUTURE USE]

TITLE 18

WATER AND SEWERS¹

[RESERVED FOR FUTURE USE]

¹Municipal code reference
Building, etc.: title 12.

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. UTILITIES POLICY.

CHAPTER 1

UTILITIES POLICY

SECTION

20-101. Installation of utility lines.

20-101. Installation of utility lines. Before any individual, family, corporation, utility, business firm, or other entity attempts to install utility lines, approval must be given by the planning commission. A minimum size water line of six (6) inches is acceptable. A smaller size line will be permitted only when the length of the line does not exceed seven hundred (700) feet and there is no potential for future development. Service lines to one (1) house are not required to have planning commission approval provided the service line cannot be tapped onto by any other residential business or industrial use, and provided the service line does not extend from the main line over three hundred (300) feet. (Ord. #0-86-01, June 1986)