

**THE
ST. JOSEPH
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

July 2016

CITY OF ST. JOSEPH, TENNESSEE

MAYOR

Bubba Carter

VICE MAYOR

David Green

COMMISSIONERS

Dennis Daniels

CITY MANAGER

Joan Nelson

RECORDER

Joan Nelson

CITY ATTORNEY

Paul Plant

PREFACE

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

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

By utilizing the table of contents, code index and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the city's ordinance book or the city recorder for a comprehensive and up to date review of the city's ordinances.

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team: Linda Winstead, Nancy Gibson and Sandy Selvage is gratefully acknowledged.

Kelley B. Myers, ACP
Municipal Codes Coordinator

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

1. General power to enact ordinances: (6-19-101)
2. All ordinances shall begin, "Be it ordained by the City of St. Joseph as follows:" (6-20-214)
3. Ordinance procedure
 - (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.
 - (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided, that it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.
 - (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.
 - (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)
4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city. (6-20-218)

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. CITY MANAGER.
3. RECORDER.
4. GENERAL PROVISIONS.

CHAPTER 1

BOARD OF COMMISSIONERS²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Date of city election.

1-101. Time and place of regular meetings. The regular meeting time of the city commission shall be held on the first Tuesday of each month at 7:00 P.M. at St. Joseph Civic Center. (Ord. #88, Feb. 2008)

¹Municipal code references

- Building, plumbing, electrical and gas inspectors: title 12.
- Fire department: title 7.
- Utilities: titles 18 and 19.
- Wastewater treatment: title 18.
- Zoning: title 14.

²Charter references

- Appointment and removal of city judge: § 6-21-501.
- Appointment and removal of city manager: § 6-21-101.
- Compensation of city attorney: § 6-21-202.
- Creation and combination of departments: § 6-21-302.
- Subordinate officers and employees: § 6-21-102.
- Taxation power to levy taxes: § 6-22-108.
- change tax due dates: § 6-22-113.
- power to sue to collect taxes: § 6-22-115.
- Removal of mayor and commissioners: § 6-20-220.

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of commissioners and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1978 Code, § 1-102)

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 commissioners 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. (1978 Code, § 1-103)

1-104. Date of city election. The date of the city election for city commissioners shall be the first Tuesday following the first Monday of November of even numbered years. (Ord. #90, May 2010)

CHAPTER 2**CITY MANAGER**¹**SECTION**

1-201. Generally supervises city's affairs.

1-201. Generally supervises city's affairs. The city manager shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his responsibilities. (1978 Code, § 1-201)

¹Charter references

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701 and 6-21-704, 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

CHAPTER 3

RECORDER¹

SECTION

- 1-301. To be bonded.
- 1-302. To charge for copies of records, etc.
- 1-303. To keep minutes, etc.
- 1-304. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in the sum of five thousand dollars (\$5,000.00), with surety acceptable to the board of commissioners, before assuming the duties of his office. (1978 Code, § 1-301)

1-302. To charge for copies of records, etc. When the recorder provides copies of records, papers, and documents in his office he shall charge therefor the following fees:

- (1) For accident reports \$2.00
 - (2) For records, papers, and other documents \$0.15 per page
- (1978 Code, § 1-302)

1-303. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of commissioners and shall preserve the original copy of all ordinances in a separate ordinance book. (1978 Code, § 1-303)

1-304. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of commissioners and for the City of St. Joseph which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1978 Code, § 1-304)

¹Charter references

Duties and powers: §§ 6-21-401 through 6-21-405.

Recorder as treasurer: § 6-22-119.

CHAPTER 4

GENERAL PROVISIONS

SECTION

1-401. General penalty; continuing violations.

1-401. General penalty; continuing violations. Whenever in this code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance 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 this code or any such ordinance shall be punished by a penalty of not more than fifty dollars (\$50.00) for each separate violation; provided, however, that the imposition of any such penalty under the provisions of this code or of any ordinance of the city shall not prevent the revocation of any permit or license for violation of any provisions hereof where called for or permitted under the provisions of this code or of any ordinance. The city judge shall fix the penalty to be imposed under the provisions hereof as the city judge's discretion may dictate. Each day that any violation of this code or of any ordinance continues shall constitute a separate offense. Where any act of the general assembly of the state provides for a greater minimum penalty than one dollar (\$1.00), the minimum penalty prescribed by the state law shall prevail, and be assessed by the city judge. Whenever in this code reference is made to a maximum penalty of greater than fifty dollars (\$50.00), this section shall prevail and the maximum penalty shall be fifty dollars (\$50.00).

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

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

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

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

3-101. City judge.

3-101. City judge. The board of commissioners may appoint the city judge, who shall preside over the city court. The city judge shall be appointed in accordance with the city's charter section found at Tennessee Code Annotated, § 6-21-501. (1978 Code, § 1-501, modified)

¹Charter references

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines and costs.

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name, warrant and/or summons numbers, alleged offense, disposition, fines and costs imposed and whether collected, whether committed to workhouse, and all other information that may be relevant. (1978 Code, § 1-502)

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

Court costs shall be one hundred seventy-one dollars and fifty cents (\$171.50). (1978 Code, § 1-508, modified)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1978 Code, § 1-511)

3-204. 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. (1978 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city 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. (1978 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1978 Code, § 1-503)

3-302. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1978 Code, § 1-505)

¹State law reference

For authority to issue warrants see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 4**APPEALS****SECTION**

3-401. Appeals.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days (Sundays exclusive)¹ next after such judgment is rendered appeal to the next term of the circuit court upon posting a bond in the amount of two hundred fifty dollars (\$250.00) as required by the general law for appeals of city court judgments. (1978 Code, § 1-509, modified)

¹Charter reference
§ 6-21-508.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL SYSTEM.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

PERSONNEL SYSTEM

SECTION

- 4-101. Purpose of a personnel system.
- 4-102. Administration of the personnel system.
- 4-103. Personnel rules and regulations.
- 4-104. Personnel records.
- 4-105. Discrimination.

4-101. Purpose of a personnel system. The purpose of this chapter is to establish a system of personnel administration in the City of St. Joseph that is based upon merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapping condition. (Ord. #75, April 1998)

4-102. Administration of the personnel system. The personnel system shall be administered by the city manager, with the following duties and responsibilities:

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration.

(2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth in this chapter, the city charter and the municipal code.

(3) Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the city charter and code, and subject to any required approval of the city commission and budget limitations.

(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.

(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data.

(6) Make periodic reports to the city commission regarding the administration of the personnel system.

(7) Be responsible for certification of payrolls.

(8) Develop a city travel policy covering travel reimbursement for employees and elected officials in conformance with state law.

(9) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the city commission. (Ord. #75, April 1998)

4-103. Personnel rules and regulations. The city manager shall propose further rules and regulations, in form of a personnel policy¹ necessary for the effective administration of the personnel system. The city commission shall adopt via resolution the personnel policy presented to them by the city manager, with any necessary amendments agreed to by the commission. Amendments to the personnel policy may be recommended by the city manager and shall take effect upon adoption via resolution by the city commission. (Ord. #75, April 1998)

4-104. Personnel records. The city manager or his designee shall maintain adequate records of the employment history of every employee as specified herein. (Ord. #75, April 1998)

4-105. Discrimination. No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (Ord. #75, April 1998)

¹The personnel policy, and any amendments thereto, are published as separate documents and are of record in the office of the city manager.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-201. Title.
- 4-202. Purpose.
- 4-203. Coverage.
- 4-204. Standards authorized.
- 4-205. Variances from standards authorized.
- 4-206. Administration.
- 4-207. Funding the program.

4-201. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of St. Joseph. (Ord. #91, April 2012)

4-202. Purpose. The City of St. Joseph, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the worksite to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

¹The Occupational Safety and Health Program for the City of St. Joseph, including Appendices I through V is included in the Appendix to this municipal code.

(4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Ord. #91, April 2012)

4-203. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of St. Joseph shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of St. Joseph whether part-time or full-time, seasonal or permanent. (Ord. #91, April 2012)

4-204. Standards authorized. The occupational safety and health standards adopted by the City of St. Joseph are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (Ord. #91, April 2012)

4-205. Variances from standards authorized. The City of St. Joseph may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of St. Joseph shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city shall be deemed sufficient notice to employees. (Ord. #91, April 2012)

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

4-206. Administration. For the purposes of this chapter, the city manager is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the city's occupational safety and health program. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #91, April 2012)

4-207. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of St. Joseph. (Ord. #91, April 2012)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Enforcement.
- 4-302. Travel policy.
- 4-303. Travel reimbursement rate schedules.
- 4-304. Administrative procedures.

4-301. Enforcement. The city manager or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #74, April 1998)

4-302. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

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

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

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

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

(b) Actual, reasonable, and necessary under the circumstances. The city manager may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (Ord. #74, April 1998)

4-303. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #74, April 1998)

4-304. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.¹

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #74, April 1998)

¹State law reference

Tennessee Code Annotated § 6-54-904, requires a city to notify the comptroller in writing that it has adopted the MTAS policy, including the date of such adoption.

TITLE 5**MUNICIPAL FINANCE AND TAXATION**¹**CHAPTER**

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. DEBT POLICY.
6. PURCHASING POLICY.

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

5-101. Official depository for city funds.

5-101. Official depository for city funds. The Boatman's Bank of Tennessee shall be the primary depository for city funds. Alternate depositories for city funds shall be the Commerce Union Bank of Loretto, Tennessee; Farmers and Merchants National Bank of Loretto, Tennessee and First National Bank of Lawrenceburg, Tennessee; Loretto Federal Savings and Loan of Loretto, Tennessee; Farmers Bank of Lawrence County, Lawrenceburg, Tennessee.² (Ord. #51, Aug. 1987)

¹Charter reference

Finance and taxation: title 6, chapter 22.

²Charter reference

Depositories of city funds: § 6-22-120.

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES¹**SECTION**

5-201. When due and payable.

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

5-201. When due and payable.² Taxes levied by the city against real and personal property shall become due and payable annually on the first day of November of the year for which levied. (1978 Code, § 6-201)

5-202. When delinquent--penalty and interest.³ All real property taxes shall become delinquent on and after the first day of December next after they become due and payable, and shall thereupon be subject to such penalty

¹State law references

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

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

²Charter references

Tennessee Code Annotated § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

³Charter references

Tennessee Code Annotated § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but Tennessee Code Annotated § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

and interest as is authorized and prescribed by the charter.¹ (1978 Code, § 6-202)

¹Charter reference

Tennessee Code Annotated § 6-22-114 directs the finance director to turn over the collection of delinquent property taxes to the county trustee.

State law reference

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

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

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1978 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1978 Code, § 6-302)

CHAPTER 4

WHOLESALE BEER TAX**SECTION**

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1978 Code, § 6-401)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of seventeen percent (17%) on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

Municipal code references

Alcohol and beer regulations: title 8.

Beer privilege tax: § 8-208.

CHAPTER 5

DEBT POLICY

SECTION

- 5-501. Definition of debt.
- 5-502. Approval of debt.
- 5-503. Transparency.
- 5-504. Role of debt.
- 5-505. Types and limits of debt.
- 5-506. Use of variable rate debt.
- 5-507. Use of derivatives.
- 5-508. Costs of debt.
- 5-509. Refinancing outstanding debt.
- 5-510. Professional services.
- 5-511. Conflicts.
- 5-512. Review of policy.
- 5-513. Compliance.

5-501. Definition of debt. All obligations of the city to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of city resources. This includes but is not limited to notes, bonds, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (Ord. #92, April 2012)

5-502. Approval of debt. Pursuant to state law, bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the city's board of commissioners prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the Comptroller's Office prior to issuance. Capital or equipment leases may be entered into by the board of commissioners; however, details on the lease agreement will be forwarded to the Comptroller's Office on the specified form within forty-five (45) days. (Ord. #92, April 2012)

5-503. Transparency. (1) The city shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required local newspaper, bulletin boards, and website.

(3) All costs (including principal, interest, issuance, continuing and one-time) shall be clearly presented and disclosed to the citizens and the board of commissioners at the next regularly scheduled council meeting.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens and the board of commissioners at the next regularly scheduled council meeting.

(5) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens and the board of commissioners at the next regularly scheduled council meeting. (Ord. #92, April 2012)

5-504. Role of debt. (1) Long-term debt shall not be used to finance current operations, long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the city will minimize the use of short-term cash flow borrowing by maintaining adequate working capital and close budget management.

(2) In accordance with generally accepted accounting principals and state law:

(a) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practice.

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (Ord. #92, April 2012)

5-505. Types and limits of debt. (1) A city property tax must be in place before debt may be issued that:

(a) Matures in more than twelve (12) fiscal years from the fiscal year of issuance, inclusive of renewals and extensions; or

(b) Causes the aggregate amount of debt outstanding (including the proposed debt) to exceed one million dollars (\$1,000,000.00).

(2) In the occurrence of a catastrophic event (i.e., tornado, earthquake, flood, or other natural disaster) the borrowing limit shall not be in effect for this type of event.

(3) The city will seek to limit total outstanding debt obligations to twenty-five percent (25%) of the assessed value of the city, excluding overlapping debt, enterprise debt, and revenue debt as determined by the annual audit.

(4) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(5) The city's total outstanding debt obligation will be monitored and reported to the board of commissioners on an annual basis during the budget approval process by the city recorder. The city recorder shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The

city recorder shall also report to the board of commissioners any matter that adversely affects the credit or financial integrity of the city.

(6) The city has issued capital outlay notes in the past and is authorized to issue general obligation bonds, revenue bonds, tax increment financing, loans, notes and other debt allowed by law, as it determines most appropriate.

(7) The city will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(8) As a rule, the city will not backload, as "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the city may utilize non-level debt methods. However, the use of such methods will be thoroughly discussed in a public meeting and will be approved only if the board of commissioners determine such use is justified and in the best interest of the city.

(9) The city may use capital leases to finance short-term projects of five (5) years or less. (Ord. #92, April 2012)

5-506. Use of variable rate debt. (1) The city recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the city also recognizes there are inherent risks associated with the use of variable rate debt and chooses not to use variable rate debt.

(3) Prior to any reversal of this provisions:

(a) A written management report outlining the potential benefits and consequences of use of such rates must be submitted to the board of commissioners; and

(b) The board of commissioners must adopt a specific amendment to this policy concerning the use of variable interest rates. (Ord. #92, April 2012)

5-507. Use of derivatives. (1) The city chooses not to use derivative or other exotic financial structures in the management of the city's debt portfolio.

(2) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the board of commissioners; and

(b) The board of commissioners must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (Ord. #92, April 2012)

5-508. Costs of debt. (1) All costs associated with the issuance or incurrence of debt management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the board of commissioners in accordance with the notice requirements stated above.

(2) In case of non-specified cost, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years shall be provided in context of the annual budgets from which such payments will be funded, i.e., general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes.

(4) The city recorder will file necessary disclosure document, including disclosure of costs to the Comptroller's Office as required by law. (Ord. #92, April 2012)

5-509. Refinancing outstanding debt. (1) The city will refund debt when it is in the best financial interest of the city to do so, and the city recorder shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the board of commissioners, and all plans for current or advance refunding or debt must be in compliance with state laws and regulations.

(2) The city recorder will consider the following issues when analyzing possible refunding opportunities.

(a) Onerous restrictions. Elimination of onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) Economic purposes. Restructuring to meet unanticipated revenue expectations, achieve cost saving, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the city recorder if the refunding generates positive present value saving, and the city recorder must establish a minimum present value saving threshold for any refinancing.

(c) Term. Maintenance of the terms of the originally issued debt, consideration of maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The city recorder may also consider shortening the term of the originally issued debt to realize greater savings. (Ord. #92, April 2012)

5-510. Professional services. The city shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the city and the lender or conduit issuer, if any. This included "soft" costs or compensations in lieu of direct payments.

(1) Counsel. If the city chooses to hire an attorney other than the city attorney, it shall enter into an engagement letter agreement with each lawyer or law firm representing the city in a debt transaction.

(2) Financial advisor. If the city chooses to hire financial advisors, the city shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions. Whether in a competitive or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance.

(3) Underwriter. If there is an underwriter, the city shall require the underwriter to clearly identify itself in writing (e.g., in a response to a request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the city with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the city. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the city recorder in advance of the pricing of the debt. (Ord. #92, April 2012)

5-511. Conflicts. (1) Professionals involved in a debt transaction hired or compensated by the city shall be required to disclose to the city existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, bond counsel, trustee, paying agent, liquidity or credit enhancement provider, and underwriter), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the city to appreciate the significance of the relationships.

(2) Professionals who become involved in the debt transactions as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulations of professional conduct. (Ord. #92, April 2012)

5-512. Review of policy. This policy shall be reviewed annually by the board of commissioners with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with the opportunity for public input. (Ord. #92, April 2012)

5-513. Compliance. The city recorder is responsible for ensuring substantial compliance with this policy. (Ord. #92, April 2012)

CHAPTER 6

PURCHASING POLICY

SECTION

5-601. Municipal Purchasing Law of 1983.

5-601. Municipal Purchasing Law of 1983. All purchases by authorized officials using or encumbering municipal funds shall be governed by Ord. #87, October 3, 2006, referred to as the "Municipal Purchasing Law of 1983," and any amendments hereto.¹

¹Ord. #87, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

TITLE 6**LAW ENFORCEMENT¹****CHAPTER**

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.

CHAPTER 1**POLICE DEPARTMENT****SECTION**

- 6-101. Police officers subject to chief's orders.
6-102. Police officers to preserve law and order, etc.
6-103. Police officers to wear uniforms and be armed.
6-104. Police department records.

6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1978 Code, § 1-401)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1978 Code, § 1-402)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the board of commissioners 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. (1978 Code, § 1-403)

6-104. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

¹Municipal code references

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

"Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004:" title 7, chapter 3, footnote 1.

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by police officers.
- (3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department. (1978 Code, § 1-407)

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When police officers to make arrests.

6-202. Police officers may require assistance in making arrests.

6-201. When police officers to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a 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 probable cause to believe the person has committed it. (1978 Code, § 1-404)

6-202. Police officers may require assistance in making arrests. It shall be unlawful for any male person to willfully refuse to aid a police officer in making a lawful arrest when such person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (1978 Code, § 1-405)

¹Municipal code reference

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

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. IN GENERAL.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.

CHAPTER 1**IN GENERAL****SECTION**

- 7-101. Fire district.
- 7-102. Storage of explosives, flammable liquids, etc.
- 7-103. Gasoline trucks.
- 7-104. Use of fire equipment outside corporate limits.

7-101. Fire district. The fire limits shall be and include all property within the corporate limits.

7-102. Storage of explosives, flammable liquids, etc. The storage of explosives and blasting agents is prohibited within the corporate limits.

7-103. Gasoline trucks. No person shall operate or park any gasoline truck or any transport vehicle carrying flammable or combustible liquids within the central business district or any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline or the flammable or combustible liquid.

7-104. Use of fire equipment outside corporate limits. Except for a mutual aid request or through interlocal agreement, no equipment of the fire department shall be used for fighting any fire, or providing any emergency response or other emergency service, outside the corporate limits unless the response is to city property, or unless, when in the opinion of the chief of the fire department, that such fire is in such proximity to property owned by or located within the city so as to endanger the city property.

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Modifications.
- 7-203. Available in recorder's office.
- 7-204. Amendments.
- 7-205. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506, the International Fire Code,² 2012 edition, and Appendices B, D, E, F, G, H and I thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the fire code.

7-202. Modifications. (1) Definitions. Whenever the fire code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the fire code refers to the "Fire Code Official," it shall be deemed a reference to such person as the city manager shall have appointed or designated to administer and enforce the provisions of the fire code.

(2) Modifications and insertions. The following modifications and insertions are made to the fire code:

- 101.1 Title - Insert "City of St. Joseph Tennessee"
- 103 Department of Fire Prevention - Delete
- 104.6 Official records- Revise the second sentence to read: "Such official records shall be retained as required by law."
- 105.3.1 Expiration - Delete the second and third sentences in their entirety
- 105.3.2 Extensions - Delete
- 109.4 Violation penalties - Delete
- 111.4 Failure to comply - Delete

7-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

7-204. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the fire code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

7-205. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified.

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Compensation.
- 7-306. Training and maintenance.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the city manager and such number of subordinate officers and firefighters as the city manager shall appoint.

7-302. 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.
- (7) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable.
- (8) To provide code enforcement and building inspections as directed by the city within adopted codes and ordinances.
- (9) To serve as the emergency management agency of the city.
- (10) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.
- (11) To work with the water department to insure that adequate water supplies for fire protection are available.
- (12) To provide public fire and life safety education materials and information to the citizens in order that they may protect themselves from harm and reduce the risk of fire in the community.

7-303. 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 formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department, under the direction of the city manager.

7-304. 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 such written reports on those matters to the city manager as the city manager shall require. The city manager shall submit a report on those matters as the board of commissioners may require.

7-305. Compensation. All personnel of the volunteer fire department shall receive such compensation for their services as the board of commissioners shall prescribe.

7-306. Training and maintenance. The chief of the fire department shall be responsible for the training of firemen, and for the maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city manager.

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

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

1. INTOXICATING LIQUORS.
2. BEER.

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

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws¹ 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 City of St. Joseph. "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. (1978 Code, § 2-101)

¹State law reference

Tennessee Code Annotated § 39-17-701, et seq.

CHAPTER 2

BEER¹

SECTION

- 8-201. Title.
- 8-202. Definitions.
- 8-203. Sale of beer lawful; conditions; regulations adopted by reference.
- 8-204. Beer board established.
- 8-205. Meetings of the beer board.
- 8-206. Record of beer board proceedings to be kept.
- 8-207. Requirements for beer board quorum and action.
- 8-208. Powers and duties of the beer board.
- 8-209. Permit required; hours of sale restricted.
- 8-210. Board to adopt forms, process applications; permit requirements.
- 8-211. Duration of permit and expiration date.
- 8-212. Procedure after approval of permit.
- 8-213. Permits not transferrable.
- 8-214. Rules for hearings on applications, revocations, etc.
- 8-215. Beer board's right to deny issuance or renewal of permit; revocation; reasons.
- 8-216. Factors warranting refusal or revocation of permit; hearing required for revocation.
- 8-217. Interference with public health, safety, and morals prohibited.
- 8-218. Waiting period.
- 8-219. Number of permits limited.
- 8-220. Prohibited conduct or activities by beer permit holders.

8-201. Title. This chapter, including future amendments hereof, shall be known, designated, and cited as the "St. Joseph Beer Ordinance." (1978 Code, § 2-201)

8-202. Definitions. As the same are used in this chapter, and future amendments hereto:

(1) "The word "beer" shall include beer of alcoholic content of not more than five percent (5%), by weight, or other beverages of like alcoholic content.

(2) The words "sale of beer" shall include the sale, possession, possession for sale, storage, storage for sale, transportation, receipt, serving, dispensing, distribution, manufacture and/or disposition of such beer.

¹Municipal code references

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

Tax provisions: title 5.

(3) The words "sell beer" shall include the selling, possessing, possessing for sale, storing, storing for sale, transporting, receiving, serving, dispensing, and distributing, manufacturing and/or disposing of such beer.

(4) The words "retail sale of beer" and "sell beer at retail" shall mean and include the selling, serving, dispensing and/or delivering of such beer, at retail, to the customer thereof.

(5) The words "corporate limits of the City of St. Joseph" or "City of St. Joseph," shall mean if the same refers to or the context indicates same to be, the city as a municipality or the area within the corporate limits of the City of St. Joseph, and include the area presently within the corporate limits of the City of St. Joseph, Tennessee, or as the same may hereafter be changed.

(6) The words "commissioner" or "commissioners" shall mean and include the mayor or any commissioner, or the board of commissioners of the City of St. Joseph, according to the context as a member or members thereof, or as the governing body of the City of St. Joseph under its present corporate or charter acts or future amendments thereof, or under any future corporate or charter acts relating to such city.

(7) The words "beer board" shall mean the board of commissioners of the City of St. Joseph when acting as the beer board.

(8) The word "person," except when the context indicates otherwise, shall mean or include any person, persons, firm, partnership, corporation, joint stock company, syndicate or association, engaged in the sale of beer, or retail sale of beer, as the same are hereinabove defined, in the City of St. Joseph.

(9) The phrase "off-premises consumption" means the beer is sold or delivered on the premises where same is sold and/or stored for sale, at retail, for consumption outside the main building where same is sold or delivered and off the premises of such retailer.

(10) The word "acts" shall mean, unless the context indicates otherwise, the legislative enactments of the General Assembly of the State of Tennessee.

(11) The word and figures "Chapter 69" shall mean chapter 69 of the public acts of the General Assembly of the State of Tennessee for the year 1933, as amended (Tennessee Code Annotated, §§ 57-201 through 57-239 as amended) and as both may hereafter be amended.

(12) The word and figures "Chapter 76" shall mean chapter 76 of the public acts of the General Assembly of the State of Tennessee for the year 1953, as amended (Tennessee Code Annotated, §§ 57-301 through 57-320 as amended) and as both may hereafter be amended.

(13) The word "shall" shall be construed to be mandatory and not directory or permissive. (1978 Code, § 2-202)

8-203. Sale of beer lawful; conditions; regulations adopted by reference. The City of St. Joseph hereby adopts the general law provisions applicable to beer, found at Tennessee Code Annotated, § 57-5-101, et seq. It shall be lawful for persons to sell, possess, store, manufacture, distribute and/or

dispose of beer provided the municipal code of St. Joseph and the general law provisions are complied with by such persons.

8-204. Beer board established. There is hereby established a beer board to be composed of all the members of the board of commissioners. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without additional compensation. (1978 Code, § 2-204)

8-205. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1978 Code, § 2-205)

8-206. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following:

- (1) The date of each meeting;
- (2) The names of the board members present and absent;
- (3) The names of the members introducing and seconding motions and resolutions, etc., before the board;
- (4) A copy of each such motion or resolution presented;
- (5) The vote of each member thereon; and
- (6) The provisions of each beer permit issued by the board. (1978 Code, § 2-206)

8-207. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1978 Code, § 2-207)

8-208. Powers and duties of the beer board.¹ The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the City of St. Joseph in accordance with the provisions of this chapter. (1978 Code, § 2-208)

¹State law reference

Tennessee Code Annotated, § 57-5-106.

8-209. Permit required; hours of sale restricted. The sale at retail, possession for sale and/or storage for sale at retail, or sale by any person who does not have a valid unexpired permit for such sale, is expressly prohibited, and any such sale and purchase is declared to be unlawful. It shall be unlawful for any person to sell, purchase or receive beer at any establishment between the hours of 2:00 A.M. and 6:00 A.M., Monday through Saturday, or on Sunday from 2:00 A.M. until 12:00 noon. Any person violating this section shall be subject to punishment, and revocation of his, or its, permit. (Ord. #95, March 2015)

8-210. Board to adopt forms, process applications; permit requirements. It shall be the duty of the St. Joseph Beer Board to prepare or adopt forms of applications for permits to sell beer to be issued by them, also forms of permits to sell beer, including renewals of such permits, and to receive and act upon applications for permits to sell beer at retail in the City of St. Joseph, for renewals of such permits, and to issue permits for the retail sale of beer and renewals of such permits, and to issue permits for the retail sale of beer and renewals of such permits for retail sale of beer within the City of St. Joseph, and any such permit so issued shall show upon its face whether for on-premises consumption or off-premises consumption, or for both, and shall give a brief description, the house number and street being sufficient therefor, where such beer is to be sold at retail, and the holder of such permit shall post same in a conspicuous place in his place of business, and keep same so posted. (1978 Code, § 2-210)

8-211. Duration of permit and expiration date. All permits, including renewal permits, shall be issued for a period of one (1) year only, and the permit shall show the expiration date of same, and all permits and renewals of same shall be signed by the chairman of said beer board and countersigned by the secretary thereof. (1978 Code, § 2-212)

8-212. Procedure after approval of permit. If the applicant for such permit or renewal of permit to sell beer at retail is approved, such approval shall be endorsed on the application, dated the day of such approval, and the applicant notified of such approval, and the approval shall be signed by the chairman of said beer board and countersigned by its secretary. After the approval of such application, and before any permit for the retail sale of beer thereunder, the applicant shall execute and file all bonds required by chapters 69 and 76. (1978 Code, § 2-213)

8-213. Permits not transferrable. The holder of any such permit is prohibited from removing the place of business of the retail sale of beer from the place set out in the permit to another place. (1978 Code, § 2-214)

8-214. Rules for hearings on applications, revocations, etc. The said beer boards shall adopt rules and regulations for holding hearings on applications for permits or renewal of permits to sell beer, and for the revocation of permits or renewal permits for the sale of beer, and kind and length of time of notice of such hearings, and shall record such rules and regulations on their minutes, and shall post and keep posted in the city hall a copy of such rules and regulations. (1978 Code, § 2-215)

8-215. Beer board's right to deny issuance or renewal of permit; revocation; reasons. The beer board shall have the right to refuse to issue any permits applied for the sale of beer at retail, or to renew any permit applied for such sale, or to revoke any permit issued for the sale of beer at retail, in the City of St. Joseph, first giving the applicant for such permit ten (10) days' notice of such intention to refuse to issue such permit, or first giving to the holder of any permit ten (10) days' notice of such intention to revoke such permit, giving such applicant or holder the right to ask for a hearing thereon; if the beer board refuses to issue any permit or renewal permit or revokes any permit or renewal permit so issued, they shall endorse upon the application the reasons for their refusal to issue such permit, and shall endorse upon the duplicate of such permit or renewal of such permit, the reasons for such revocation, and enter upon their minutes such reasons, etc., but their action shall be subject to review by the courts. (1978 Code, § 2-216)

8-216. Factors warranting refusal or revocation of permit; hearing required for revocation. If it is satisfactorily made to appear to the beer board that any applicant applying for or retailer holding a permit to sell beer within the City of St. Joseph, or any employee engaged in the sale or handling of beer, is guilty of making any false statement or representation in his application or has been during the preceding ten (10) years convicted of violating the liquor or beer laws or statutes of the State of Tennessee or the ordinances of this city or any other city of the State of Tennessee relating to the possession or sale of beer, or who is a minor under the age of eighteen (18) years, or employs a person who is not a native born citizen of the United States or a person who is a minor under the age of eighteen (18) years, in the sale and/or delivery of such beer, or who operates the premises of such retail sale of beer in a disorderly manner or in such manner to disturb the patrons of such retailer or those living nearby, or as to be detrimental to public health, safety or morals, or who sells, or permits the sale on said premises, of whiskey or similar intoxicating alcoholic beverages, or who violates the provisions of said chapter 69, or the provisions of this chapter or any future amendments hereof, the beer board is authorized to decline or refuse to grant or renew the permit of such applicant or retailer, and in the case of a permit holder, under procedure adopted by said beer board after preferring charges and holding a hearing thereon, to revoke the permit of any such permit holder to sell beer at retail.

Revocation proceedings may be initiated by the police chief or any member of the beer board. (1978 Code, § 2-217, modified)

8-217. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within five hundred feet (500') of any school, church, or other such place of public gathering, measured along street rights-of-way. (1978 Code, § 2-218, modified)

8-218. Waiting period. A permit to sell beer or a renewal permit to sell beer at retail shall not be issued to any applicant therefor whose permit is revoked under the provisions of this chapter, or whose application for a renewal of a permit to sell beer is refused or denied, until the expiration of a period of one (1) year after such revocation or refusal or denial of a permit or a renewal permit to sell beer. (1978 Code, § 2-219)

8-219. Number of permits limited. The number of permits issued by the beer board under the provisions of this chapter shall not exceed ten (10). (1978 Code, § 2-220, modified)

8-220. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

(1) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(2) Make or allow any sale of beer, or make, cause, or allow to be made any gift thereof, to a minor under the age of eighteen (18) years of age, or permit such sale by any employee or any person in any way connected with his place of business. The holder of a beer permit shall be held strictly accountable for the violation of this subsection and the burden of ascertaining the age of any customer shall be upon the owner or operator of such place of business and he shall be held strictly accountable for all acts of his employees.

(3) Allow any minor under eighteen (18) years of age to loiter in his place of business. The burden of ascertaining the age of any person shall be upon the owner or operator of such place of business and he shall be held strictly accountable for any action of his employees for the violation of this subsection.

(4) Make or allow any sale of beer, or make, cause, or allow to be made any gift thereof, to any intoxicated person.

(5) Allow drunk or intoxicated persons to loiter on his premises.

(6) Have gambling on his premises.

(7) Allow dancing on his premises unless specified in his license application.

(8) Allow pool or billiard playing in the same room where beer is sold or consumed. Beer may be sold in a pool room only if a partition or wall separates the place of sale from the pool room.

(9) Fail to provide and maintain adequate separate sanitary toilet facilities for men and women.

(10) Allow any sale or delivery of beer for consumption on his premises outside of the building occupied by the holder of the permit. Any sales for consumption on the premises but outside of the building from which the business is operated shall be made from within the building, it being the intention of this subsection to prohibit the sale of beer by what is commonly called "curb sales."

(11) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight. (1978 Code, § 2-221)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. PEDDLERS, ETC.
2. CHARITABLE SOLICITORS.
3. POOL ROOMS.

CHAPTER 1

PEDDLERS, ETC.¹

SECTION

- 9-101. Permit required.
- 9-102. Exemptions.
- 9-103. Application for permit.
- 9-104. Issuance or refusal of permit.
- 9-105. Appeal.
- 9-106. Bond.
- 9-107. Loud noises and speaking devices.
- 9-108. Use of streets.
- 9-109. Exhibition of permit.
- 9-110. Police officers to enforce.
- 9-111. Revocation or suspension of permit.
- 9-112. Reapplication.
- 9-113. Expiration and renewal of permit.

9-101. Permit required. It shall be unlawful for any peddler, canvasser, or 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. (1978 Code, § 5-201)

9-102. 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

¹Municipal code references

Privilege taxes: title 5, chapter 3.

Trespass by peddlers, etc.: § 11-501.

bona fide charitable, religious, patriotic, or philanthropic organizations. (1978 Code, § 5-202)

9-103. Application for permit. Applicants for a permit under this chapter must file with the city recorder 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.
- (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 inches (2") 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 properly 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 city ordinance, 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 city to cover the cost of investigating the facts stated therein. (1978 Code, § 5-203)

9-104. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes

and the filing of the bond required by § 9-106. The city recorder shall keep a permanent record of all permits issued. (1978 Code, § 5-204)

9-105. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of commissioners. 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. (1978 Code, § 5-205)

9-106. Bond. Every permittee shall file with the city recorder a surety bond running to the city 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 City of St. Joseph 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 city 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 city 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, but the surety may, 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, be relieved without costs of all further liability. (1978 Code, § 5-206)

9-107. 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 city 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. (1978 Code, § 5-207)

9-108. 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. (1978 Code, § 5-208)

9-109. Exhibition of permit. Permittees are required to exhibit their permits at the request of any police officer or citizen. (1978 Code, § 5-209)

9-110. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1978 Code, § 5-210)

9-111. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of commissioners 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 city recorder 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) When reasonably necessary in the public interest the city manager may suspend a permit pending the revocation hearing. (1978 Code, § 5-211)

9-112. 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. (1978 Code, § 5-212)

9-113. 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. (1978 Code, § 5-213)

CHAPTER 2

CHARITABLE SOLICITORS

SECTION

- 9-201. Permit required.
- 9-202. Prerequisites for a permit.
- 9-203. Denial of a permit.
- 9-204. Exhibition of permit.

9-201. 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 city recorder 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. (1978 Code, § 5-301)

9-202. Prerequisites for a permit. The recorder shall 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. (1978 Code, § 5-302)

9-203. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of commissioners if he has not been granted a permit within fifteen (15) days after he made application therefor. (1978 Code, § 5-303)

9-204. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any police officer or person solicited. (1978 Code, § 5-304)

CHAPTER 3

POOL ROOMS¹

SECTION

- 9-301. Prohibited in residential areas.
- 9-302. Hours of operation regulated.
- 9-303. Minors to be kept out; exception.
- 9-304. Gambling, etc., not to be allowed.

9-301. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1978 Code, § 5-401)

9-302. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1978 Code, § 5-402)

9-303. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1978 Code, § 5-403)

9-304. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire, to permit any gambling or other unlawful or immoral conduct on such premises. (1978 Code, § 5-404)

¹Municipal code reference
Privilege tax: title 5, chapter 3.

TITLE 10**ANIMAL CONTROL****CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1978 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand feet (1,000') of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1978 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1978 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of

its health, safe condition, and wholesomeness for food if so intended. All feed shall be stored and kept in a rat-proof and flytight building, box, or receptacle. (1978 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1978 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1978 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of commissioners. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of commissioners.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1978 Code, § 3-107)

10-108. Inspection of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1978 Code, § 3-108)

CHAPTER 2

DOGS AND CATS

SECTION

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

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated §§ 68-8-101 through 68-8-113) or other applicable law. (1978 Code, § 3-201, modified)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1978 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1978 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1978 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (1978 Code, § 3-205)

10-206. Confinement of dogs or cats suspected of being rabid. If any dog or cat has bitten any person or is suspected of having bitten any person

¹State law reference

Tennessee Code Annotated §§ 68-8-107.

or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog or cat to be confined or isolated for such time as he reasonably deems necessary to determine if such dog or cat is rabid. (1978 Code, § 3-206, modified)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of commissioners. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, to be fixed by the pound keeper, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within three (3) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and a tag placed on its collar. (1978 Code, § 3-207, modified)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any police officer.¹ (1978 Code, § 3-207)

¹For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shepard, 156 Tenn. 544, 3 S.W. 2d 661 (1927).

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER**

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. FORTUNE TELLING, ETC.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.
8. GAMBLING.

CHAPTER 1**MISDEMEANORS OF THE STATE ADOPTED****SECTION**

11-101. Misdemeanors of the state adopted.

11-101. 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 to be Class C misdemeanors are hereby designated and declared to be offenses against the City of St. Joseph also. Any violation of any such law within the corporate limits is also a violation of this chapter. (1978 Code, § 10-101, modified)

¹Municipal code references

Animal control: title 10.

Fireworks and explosives: title 7.

Residential and utilities: title 12.

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

Traffic offenses: title 15.

CHAPTER 2**ALCOHOL**¹**SECTION**

11-201. Drinking beer etc., on streets.

11-202. Minors in beer places.

11-201. Drinking beer, etc., on streets. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on-premises consumption. (1978 Code, § 10-229)

11-202. Minors in beer places. No minor 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. (1978 Code, § 10-222)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 3

FORTUNE TELLING, ETC.

SECTION

11-301. Fortune telling, etc.

11-301. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1978 Code, § 10-235)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. 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. (1978 Code, § 10-202)

11-402. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

(a) Blowing horns. The sounding of any horn or other device on any automobile, motorcycle, bus, streetcar, 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 person in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 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 person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

(e) Use of vehicle. The use of any automobile, motorcycle, streetcar, 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 city 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. (1978 Code, § 10-234)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.

11-502. Throwing of missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the city 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. (1978 Code, § 10-213)

11-502. 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. (1978 Code, § 10-214)

11-503. 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 police officer engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or police officer 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 city. (1978 Code, § 10-212)

CHAPTER 6**TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-601. Trespassing.

11-602. Interference with traffic.

11-601. 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.¹

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. (1978 Code, § 10-226)

11-602. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1978 Code, § 10-233)

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

CHAPTER 7**MISCELLANEOUS****SECTION**

11-701. Caves, wells, cisterns, etc.

11-702. Posting notices, etc.

11-703. Abandoned refrigerators, etc.

11-704. Curfews for minors.

11-701. 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 an adequate cover or safeguard. (1978 Code, § 10-232)

11-702. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1978 Code, § 10-227)

11-703. 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. (1978 Code, § 10-223)

11-704. Curfews 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. (1978 Code, § 10-224)

CHAPTER 8**GAMBLING****SECTION**

11-801. Gambling.

11-802. Promotion of gambling.

11-801. 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. (1978 Code, § 10-215)

11-802. 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. (1978 Code, § 10-216)

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

1. IN GENERAL
2. BUILDING CODE.
3. RESIDENTIAL CODE.
4. PLUMBING CODE.
5. ELECTRICAL CODE.
6. FUEL GAS CODE.
7. MECHANICAL CODE.
8. ENERGY CONSERVATION CODE.
9. PROPERTY MAINTENANCE CODE.
10. EXISTING BUILDING CODE.

CHAPTER 1**IN GENERAL****SECTION**

- 12-101. Duration of building permits.
12-102. Board of appeals.

12-101. Duration of building permits. (1) A building permit issued by the city shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work commenced. One (1) or more extensions of time, for periods of not more than ninety (90) days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Any extension shall be in writing and signed by the city manager or such person designated.

(2) It shall be unlawful for any person to permit an unfinished structure to remain on property owned, leased, rented, controlled or occupied by that person. An "unfinished structure" shall mean any building or other structure or part thereof which is partially completed and which is not presently being constructed under an existing and valid building permit issued by the city.

(3) Once a building permit has been issued, it shall be unlawful for any person to store, accumulate, or to permit the storage or accumulation of, any building materials on property owned, leased, rented, controlled or occupied by that person for any period longer than reasonably necessary for the immediate use of such materials on such premises under the building permit. "Building

materials" shall mean any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating or cooling ducts or equipment, shingles, mortar, cement, nails, screws or other material commonly used in the construction or repair of buildings or structures.

12-102. Board of appeals. Whenever any code adopted in title 7, chapter 2 or in title 12, chapters 2--10 provides for a board of appeals or similar body, the jurisdiction and authority conferred upon such board or body by that code shall be exercised by the board of commissioners notwithstanding anything to the contrary in such code. Any provision in a code which is in conflict with this section, or which conflicts with the creation, qualifications, membership or procedures of the board of building appeals, is hereby repealed.

CHAPTER 2¹

BUILDING CODE

SECTION

- 12-201. Building code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Amendments.
- 12-205. Violations and penalty.

12-201. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506 and for the purpose of regulating the construction, alteration, repair, use, and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2012 edition, and Appendices C, E, F, G, H, I, J and K thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code.

12-202. Modifications. (1) Definitions. Whenever the building code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the code refers to the "Building Official," it shall be deemed a reference to such person as the city manager shall have appointed or designated to administer and enforce the provisions of the building code.

(2) Modifications and insertions. The following modifications and insertions are made to the building code:

- 101.1 Title - Insert "City of St. Joseph Tennessee"
- 103 Department of Building Safety - Delete
- 105.2 Work exempt from permit - Delete all items under the heading "building," except for items numbered 2, 7, 9, 10, 11, and 13, which remain
- 105.5 Expiration - Delete
- 107.2.5 Site plan - Insert the following sentence in between the first and second sentence: "The building official may require a boundary line survey

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

prepared by a licensed land surveyor. Such boundary line survey may be required after the footers or foundation is in place, in which case it shall show the location of the footers or foundation in relation to required setback requirements."

- H102.1 General - Delete the definition for "roof sign"
- H105.2 Permits, drawings and specifications - In the first sentence, delete the word "shall" and replace with "may"
- H110 Roof Signs - Delete
- H 114.1 General - In the first sentence delete the word "roof"

12-203. Available in recorder's office. Pursuant to the requirements of 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.

12-204. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the building code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

12-205. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified.

CHAPTER 3

RESIDENTIAL CODE

SECTION

- 12-301. Residential code for one- and two-family dwellings adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Amendments.
- 12-305. Violations and penalty.

12-301. Residential code for one- and two-family dwellings adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506, the International Residential Code for One- and Two-Family Dwellings,¹ 2012 edition, and Appendices A, B, C, E, F, G, H, I, J, K, M, N, O, P and Q thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the residential code.

12-302. Modifications. (1) Definitions. Whenever the residential code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the code refers to the "Building Official," it shall be deemed a reference to such person as the city manager shall have appointed or designated to administer and enforce the provisions of the residential code.

(2) Modifications and insertions. The following modifications and insertions are made to the residential code:

- R101 Title - Insert "City of St. Joseph Tennessee"
- R103 Department of Building Safety - Delete
- R105.2 Work exempt from permit - Delete all items under the heading "building", except for items numbered 2, 6, 7, 8, and 9, which shall remain in their entirety
- R105.5 Expiration - Delete
- R106.2 Site plan or plot plan - Insert the following sentence in between the first and second sentence: "The building official may require a boundary line survey prepared by a licensed land surveyor. Such boundary line survey may be required after the footers or foundation is in place, in which case it shall show the location of the footers or foundation in relation to required setback requirements."
- R301.2(1) Climatic and geographic design criteria - Insert:
 - "10 PFS" for ground snow load

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

- o "90" for wind speed
- o "C" for seismic design category
- o "Severe" for the frost line depth
- o "Moderate to heavy" for termites
- o "17 degrees" Fahrenheit for winter design temperature
- o "No" for ice barrier underlayment
- o "1500 or less" for air freezing index
- o "57.6 degrees Fahrenheit" for mean annual temperature
- R302.5.1 Opening protection - Put a period, ".", after the word "doors" and delete the remainder of the sentence
- R311.7.9 Illumination - Revise the section reference to "R303.7"
- R313 Automatic fire sprinkler systems - Delete
- P2603.5.1 Sewer depth - Insert "twelve" in both places before "inches." Delete "(mm)" in both places.
- P2904 Dwelling unit fire sprinkler systems - Delete

12-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-304. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the residential code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

12-305. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified.

CHAPTER 4

PLUMBING CODE¹

SECTION

- 12-401. Plumbing code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Amendments.
- 12-405. Violations and penalty.

12-401. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,² 2012 edition, and Appendices B, C, D, E and F thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code.

12-402. Modifications. (1) Definitions. Whenever the plumbing code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the code refers to the "Plumbing Official," it shall be deemed a reference to the city manager or such person designated by the city manager to administer and enforce the provisions of the plumbing code.

(2) Modifications and insertions. the following modifications and insertions are made to the plumbing code:

- 101.1 Title - Insert "City of St. Joseph Tennessee"
- 103 Department of Plumbing Inspection - Delete subsections 103.1, 103.2, and 103.3
- 106.5.3 Expiration - Delete
- 106.6.2 Fee schedule - Amend to read as follows: "A permit shall not be issued until the fees as established by the board of commissioners is paid"
- 106.6.3 Fee refunds - Delete

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

- 108.4 Violation penalties - Delete
- 305.4.1 Sewer depth - Insert "twelve" in both places for the number of inches and delete all references to "(mm)"
- 903.1 Roof extension - Insert "twelve" in front of inches, and delete the first reference to "(mm)"

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-404. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the plumbing code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

12-405. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified.

CHAPTER 5
ELECTRICAL CODE¹

SECTION

12-501. Electrical code; state regulation.

12-502. Available in recorder's office.

12-503. Violations and penalty.

12-501. Electrical code; state regulation. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506, the National Electrical Code,² 2011 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the electrical code; provided further that the electrical code shall incorporate all modifications employed by the Office of the State Fire Marshal, Department of Commerce and Insurance, Fire Prevention Division.

12-502. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of these regulations will be kept on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-503. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of these regulations as herein adopted by reference.

¹Municipal code reference

Fire protection, fireworks and explosives: title 7.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

CHAPTER 6

FUEL GAS CODE¹

SECTION

- 12-601. Fuel gas code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Amendments.
- 12-605. Violations and penalty.

12-601. Fuel gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506 and for the purpose of regulating gas installations, including alterations, repairs, equipment, appliances, fixtures, fittings and the appurtenances thereto within the city, the International Fuel Gas Code,² 2012 edition, and Appendices A, B, C and D thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the gas code.

12-602. Modifications. (1) Definitions. Whenever the fuel gas code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the code refers to the "Building Official," it shall be deemed a reference to the city manager or such person designated by the city manager to administer and enforce the provisions of the gas code.

(2) Modifications and insertions. The following modifications and insertions are made to the fuel gas code:

- 101.1 Title - Insert "City of St. Joseph Tennessee"

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fuel gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-604. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the fuel gas code as prepared and published from time to time

¹Municipal code reference

Gas system administration: title 19, chapter 2.

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

by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

12-605. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted by reference and modified.

CHAPTER 7

MECHANICAL CODE

SECTION

- 12-701. Mechanical code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Amendments.
- 12-705. Violations and penalty.

12-701. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506, the International Mechanical Code,¹ 2012 edition, and Appendix A thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the mechanical code.

12-702. Modifications. (1) Definitions. Whenever the mechanical code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the code refers to the "Building Official," it shall be deemed a reference to the city manager or such person designated by the city manager to administer and enforce the provisions of the mechanical code.

(2) Modifications and insertions. The following modifications and insertions are made to the mechanical code:

- 101.1 Title - Insert "City of St. Joseph Tennessee"

12-703. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-704. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the mechanical code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

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

12-705. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified.

CHAPTER 8

ENERGY CONSERVATION CODE¹

SECTION

- 12-801. Energy conservation code adopted.
- 12-802. Modifications.
- 12-803. Available in recorder's office.
- 12-804. Amendments.
- 12-805. Violations and penalty.

12-801. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506, and in accordance with Tennessee Code Annotated, § 13-19-101, the International Energy Conservation Code,² 2012 edition, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy conservation code.

12-802. Modifications. (1) Definitions. Whenever the energy code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the code refers to the "Code Official," it shall be deemed a reference to the city manager or such person designated by the city manager to administer and enforce the provisions of the energy conservation code.

(2) Modifications and insertions. The following modifications and insertions are made to the energy code:

- C101.1 Title - Insert "City of St. Joseph Tennessee"

12-803. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy conservation code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-804. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official,

¹Municipal code references

- Fire protection, fireworks, and explosives: title 7.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

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

shall adopt administrative regulations to incorporate subsequent changes and amendments to the energy conservation code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

12-805. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference and modified.

CHAPTER 9

PROPERTY MAINTENANCE CODE

SECTION

- 12-901. Property maintenance code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.
- 12-904. Amendments.
- 12-905. Violations and penalty.

12-901. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506, and for the purpose of securing the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Property Maintenance Code,¹ 2012 edition, and Appendix A thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this Code and is hereinafter referred to as the property maintenance code. (Ord. #98, Dec. 2015)

12-902. Modifications. (1) Definitions. Whenever the property maintenance code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the property maintenance code refers to the "Code Official," it shall be deemed a reference to such person as the city manager shall have appointed or designated to administer and enforce the provisions of the property maintenance code.

(2) Modifications and insertions. The following modifications and insertions are made to the property maintenance code:

- 101.1 Title - Insert "City of St. Joseph Tennessee"
- 103.5 Fees - Delete
- 112.4 Failure to Comply - Delete
- 302.4 Weeds - Insert "twelve (12) inches"
- 304.14 Insect Screens - Insert "April to October"
- 602.3 Heat Supply - Insert "November 1 to March 31." (Ord. #98, Dec.

2015)

12-903. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the property

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

maintenance 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. #98, Dec. 2015)

12-904. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the property maintenance code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

12-905. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. (Ord. #98, Dec. 2015, modified)

CHAPTER 10

EXISTING BUILDING CODE

SECTION

- 10-1001. Existing building code adopted.
- 10-1002. Modifications.
- 10-1003. Available in recorder's office.
- 10-1004. Amendments.
- 10-1005. Violations and penalty.

10-1001. Existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501--6-54-506 and for the purpose of regulating the alteration, repair, removal, demolition, use and occupancy of existing buildings and structures, the International Existing Building Code,¹ 2012 edition, and Appendices A, B and C thereto with Resource A, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this Code and is hereinafter referred to as the existing building code.

10-1002. Modifications. (1) Definitions. Whenever the existing building code refers to the "Chief Appointing Authority" it shall be deemed a reference to the city manager. Whenever the code refers to the "Code Official," it shall be deemed a reference to the city manager or such person designated by the city manager to administer and enforce the provisions of the existing building code.

(2) Modifications and insertions. The following modifications and insertions are made to the existing building code:

- 101.1 Title - Insert "City of St. Joseph Tennessee"

10-1003. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the existing 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.

10-1004. Amendments. In accordance with Tennessee Code Annotated, § 6-54-502(c), the city manager, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the existing building code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the city manager as to date and source and shall take effect as

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

provided in Tennessee Code Annotated, § 6-54-502(d), unless disapproved by resolution of the board of commissioners.

10-1005. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code as herein adopted by reference and modified.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Adulterated food, drugs, and cosmetics.
- 13-109. Communicable diseases.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1978 Code, § 8-101)

13-102. 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. (1978 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property

¹Municipal code references

Animal control: title 10.

Property maintenance code: title 12.

Littering generally: title 11, chapter 7.

Littering streets, etc.: § 16-107.

Wastewater treatment: title 18, chapter 2.

without treating it so as effectively to prevent the breeding of mosquitoes. (1978 Code, § 8-106)

13-104. 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 the city recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1978 Code, § 8-107)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1978 Code, § 8-108)

13-106. 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. (1978 Code, § 8-109)

13-107. 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 and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1978 Code, § 8-104)

13-108. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within the city any provisions of the state food, drug, and cosmetic laws. (1978 Code, § 8-102)

13-109. 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 of the facts to immediately 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. (1978 Code, § 8-103)

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

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

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 five (5) members; two (2) of these shall be the mayor and another member of the board of commissioners selected by the board of commissioners; the other three (3) members 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 three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) 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 commissioners shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1978 Code, § 11-101)

14-102. Organization, powers, 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. (1978 Code, § 11-102)

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

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

14-202. Violations and penalty.

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

14-202. Violations and penalty. Violations of the zoning ordinance shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

¹Zoning Ordinance, St. Joseph, Tennessee, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

MOBILE HOME PARKS

SECTION

- 14-301. Definitions.
- 14-302. In general.
- 14-303. Permitted parking of mobile homes outside mobile home parks.
- 14-304. Minimum requirements for mobile home parks.
- 14-305. Streets.
- 14-306. Placement of mobile homes.
- 14-307. Accessory structures on mobile home lots.
- 14-308. Off-street parking.
- 14-309. Drainage.
- 14-310. Utilities.
- 14-311. Mobile home lot identification.
- 14-312. Smoke and fire detectors.
- 14-313. Construction permit.
- 14-314. Existing mobile home parks.
- 14-315. Violations and penalty.

14-301. Definitions. The following words and phrases, when used in this chapter, shall have the meaning ascribed to them in this section except in those instances where the context clearly indicates otherwise.

(1) "Adjoining land." Property, the boundaries of which join the parcel of land upon which the mobile home is to be placed, to include property separated by private or public roads, railroads and streams. Property that joins only at a corner is not considered adjoining land.

(2) "Mobile home." The term "mobile home" shall be construed to mean and include any structure intended for or capable of human habitation, mounted upon wheels and capable of being driven, propelled or towed from place to place without change in structure or design, by whatsoever name or title it is colloquially or commercially known. Removal of wheels and placing such a structure on the ground, piers or other foundations, shall not remove such vehicle from this definition; provided, however, that this definition shall not include transport trucks, recreational vehicles or vans equipped with sleeping space for driver or drivers.

(3) "Mobile home park." The term "mobile home park," "trailer court," "house trailer court," or whatsoever name or title so called, shall be construed to mean and include any site, lot, field or tract of land privately or publicly owned or operated upon which two (2) or more mobile homes, used for living, eating and sleeping quarters are, or are intended to be located; such establishments being open and designated to the public as places or temporary or permanent residential accommodations, whether operated for or without

compensation, whether operated for or without compensation, and by whatsoever name or title they are colloquially or commercially terms. (Ord. #60, Sept. 1991)

14-302. In general. (1) It shall be unlawful, within the city limits of St. Joseph, Tennessee, to park or locate any mobile home on any street, alley or highway or other public place, or on any tract of land occupied or unoccupied within the city limits except as provided in this chapter. No person shall park or leave a mobile home within the city limits for a period longer than one (1) day, except in a mobile home park duly licensed by the city, except this section shall not apply to any mobile home which is not being used for living or sleeping quarters, and which is being kept solely for sale in the course of and at the regular and permissible place of business, of and by any person or firm duly licensed to engage in the business of selling mobile homes. Provided, however, that where any person has parked or is occupying a mobile home contrary to the provisions of this chapter on the effective date of the ordinance comprising this chapter and is occupying such mobile home as a permanent place of abode or permanent dwelling on the effective date of the ordinance comprising this chapter, and such mobile home is properly connected with the municipal water supply and sanitary sewer system (where available), and is constructed and located in compliance with all requirements of the building, plumbing, sanitary, health and electrical ordinances and/or ordinances, restrictions and/or laws of the city, county and state and is not inhabited by greater number of occupants than for which it was designed and is properly and duly registered as provided by the laws of the State of Tennessee, and all taxes due thereon have been duly paid, then such use as a permanent place of abode or as a permanent dwelling may continue; provided further, that where such use is abandoned for a period of ten (10) days or more, or said mobile home or travel trailer is removed from said premises for such period of ten (10) days or more, then such use shall not be resumed until the provisions of this chapter and each part hereof are complied with.

(2) No person shall knowingly or willfully permit any mobile home to be parked or left upon any property which he owns or over which he has control, within the city limits for a period of time in excess of one (1) day, except in a duly licensed mobile home park, except as otherwise provided in this chapter and except, however, that this section shall not apply to any mobile home which is not being used for living or sleeping quarters, and which is being kept solely for sale in the usual course of and at the regular and permissible place of business of, and by any person or firm duly licensed by the city to engage in the business of selling mobile homes. (Ord. #60, Sept. 1991)

14-303. Permitted parking of mobile homes outside mobile home parks. This chapter shall not in any way keep the city manager of the city from

permitting mobile homes to be temporarily installed on property or an individual lot for the following usage:

- (1) Temporary office and storage facilities for construction projects, to be removed immediately upon job completion.
- (2) Office facilities for a legally licensed mobile homes sales business.
- (3) Political campaign offices, to be removed immediately after election day.
- (4) Temporary offices during construction of permanent structures and dwelling facilities while a residential structure is being repaired or re-built after being damaged or destroyed by fire or other disasters, all such facilities to be removed immediately upon job completion.
- (5) Unoccupied campers or travel trailers parked in the rear yard of a residence ten feet (10') from any other structure and a minimum of fifteen feet (15') from any property line.
- (6) Showing of exhibits and demonstrations of special products; maximum allowed time for this exception six (6) days.
- (7) Temporary facilities for special promotions by civic and non-profit organizations are all to be removed on a specified date.
- (8) Mobile homes placed on individual lots, located within the city limits, approved by the county health department and used for single-family residential purposes only; provided that after the passage and publication of this chapter, no person, firm or corporation shall park any mobile home within the limits of the City of St. Joseph, without first filing an application with the city clerk on a form provided by the clerk, for a permit. If a permit is granted, then the applicant shall pay to the city clerk a fee of fifty dollars (\$50.00). No permit shall be granted to any person, firm or corporation, unless, at the time of making of said application, written approval of all adjoining land owners abutting the lot or parcel of land on which said mobile home is to be parked, is exhibited to the city clerk and which written approval must be attached to the application. Further, said mobile home shall be constructed and located in compliance with all requirements of the building, plumbing, sanitary, health and electrical ordinances, regulations and laws of the city, county and state, and shall not be inhabited by a greater number of occupants than that for which it was designed, and shall be properly and duly registered as provided by the laws of the State of Tennessee. (Ord. #60, Sept. 1991)

14-304. Minimum requirements for mobile home parks. Each and every mobile home park hereinafter established within the City of St. Joseph shall contain not less than two (2) mobile home spaces of the following size:

- (1) When served by public sanitary sewage system each mobile home space shall contain not less than ten thousand (10,000) square feet and have a front width of not less than fifty feet (50') at the front mobile home placement line.

(2) When served by private sanitary sewage system, such as septic tank, each mobile home space shall contain not less than twenty thousand (20,000) square feet and have a front width of not less than fifty feet (50') at the front mobile home placement line.

(3) When served by private sanitary sewage, such as a septic tank, and private water supply, such as a well, each mobile home space shall contain not less than twenty-five thousand (25,000) square feet, and have a front width of not less than fifty feet (50') at the front mobile home placement line.

(4) The minimum width of any mobile home lot at the street shall not be less than fifty feet (50'). (Ord. #60, Sept. 1991)

14-305. Streets. (1) Mobile home spaces shall abut upon a paved street not less than twenty-eight feet (28') in width. Streets designed to have one (1) end permanently closed shall be provided at the closed end with a minimum of forty feet (40') radius paved driving surface turnaround.

(2) Mobile home park streets shall have a hard paved surface of concrete, asphalt or not less than two inches (2"), and in any event shall be kept in good repair by park owner. (Ord. #60, Sept. 1991, modified)

14-306. Placement of mobile home. Mobile homes shall be so placed such that the nearest corner of said mobile home shall be at least the following distances from the mobile home to:

Front lot line (public streets)	50 feet
Front lot line (private streets)	20 feet
Rear lot line	20 feet
Side lot line	20 feet

In no case shall any mobile home be placed closer than forty feet (40') to another mobile home. Mobile homes shall be placed no closer than ten feet (10') to any accessory building located on the same lot. (Ord. #60, Sept. 1991)

14-307. Accessory structures on mobile home lots. Accessory structures such as a utility room, storage house, or garage shall be placed on the back half of a mobile home lot and shall cover no more than twenty-five percent (25%) of the back half of said lot. Accessory structures shall not exceed one (1) story in height and shall be at least fifteen feet (15') from all lot lines and twenty feet (20') from any other structure on the same lot. (Ord. #60, Sept. 1991)

14-308. Off-street parking. At least two (2) automobile parking spaces shall be located on each mobile home lot or space. Parking spaces shall be at least nine feet by eighteen feet (9' x 18'). All driveways, parking spaces and walkways shall be provided with an all-weather surface. (Ord. #60, Sept. 1991)

14-309. Drainage. Mobile home parks shall be located on well-drained sites, properly graded to insure positive drainage. (Ord. #60, Sept. 1991)

14-310. Utilities. (1) All mobile home parks shall have the sewer drainage system (where available) extended to each mobile home lot and the connection from the mobile home into the sewage system shall be made under the mobile home with an air-tight seal.

(2) Each mobile home lot shall be provided with an individual branch service line delivering safe, pure, potable water. The minimum size branch service to each mobile home lot shall be three-fourths inch (3/4") and a cut-off shall be installed on each branch, along with a backflow preventive device approved by a nationally recognized testing agency. All connections shall be made under the mobile home.

(3) In mobile home parks where gas distribution systems are installed, the installation shall conform with the requirements set forth by the appropriate regulatory agency of the city, county and state and the gas company serving the park.

(4) Each mobile home lot shall be provided with an individual electrical service of adequate size to serve the mobile home placed on it. Each service shall be mounted on a treated pole or metal pedestal and shall have a single disconnecting means consisting of a circuit breaker or a switch and fuses housed on a panel approved for exterior use. The power supply wiring from the service to the mobile home should be of a direct burial type, properly sized for service, being connected and buried in the earth from the service to underneath the mobile home, a minimum of twenty-four inches (24") or as required by the current adopted addition of the electrical code. (Ord. #60, Sept. 1991)

14-311. Mobile home lot identification. Mobile home lots shall be plainly staked off or marked. Each mobile home lot shall be permanently numbered with minimum two and one-half inch (2 1/2") numbers and/or letters so they may be easily read from the street. The electrical service must also be permanently numbered for identification. (Ord. #60, Sept. 1991)

14-312. Smoke and fire detectors. All mobile homes used for living purposes in the city limits shall have installed in all bedroom areas of the mobile home an approved listed smoke detector, installed in accordance with the manufacturers recommendation and listing. The smoke detectors shall meet the requirements of U.L. 217, for single and multiple station smoke detectors. (Ord. #60, Sept. 1991)

14-313. Construction permit. It shall be unlawful for any person or firm to construct a mobile home park in the city limits without first having obtained a construction permit therefor. Application for such permit shall be made in writing to the planning commission and shall contain the name of the applicant, the location of the proposed park and the number of mobile homes to be accommodated. Along with an application for permit to construct a mobile

home park, the following information shall be submitted to the planning commission:

- (1) Area and dimensions of the proposed park.
- (2) Layout and dimension of all roads, lots and drives.
- (3) Typical layout of mobile home lot.
- (4) Location of all water and sewer lines.
- (5) A drainage plan for the park, prepared by a registered engineer if more than two (2) lots are involved, or if any roads are to be constructed.
- (6) Plan in detail of numbering lots. (Ord. #60, Sept. 1991)

14-314. Existing mobile home parks. (1) Mobile home parks existing at the effective date of this chapter that do not meet the requirements of this chapter shall be called a lawful, non-conforming mobile home park, and such lawful non-conforming use shall be permitted so long as said mobile home park meets the health department requirement, minimum clearance as called for herein, along with other regulations of this chapter when practicable.

(2) Any extension or alteration of a lawful non-conforming mobile home park shall meet all requirements of this chapter. (Ord. #60, Sept. 1991)

14-315. Violations and penalty. Any person who shall violate any provision of this chapter shall upon conviction thereof, be punished by fine not to exceed fifty dollars (\$50.00) for each separate offense. Each day this chapter is violated shall constitute a separate offense. (Ord. #60, Sept. 1991)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Unlaned streets.
- 15-104. Laned streets.
- 15-105. Yellow lines.
- 15-106. Miscellaneous traffic-control signs, etc.
- 15-107. General requirements for traffic-control signs, etc.
- 15-108. Unauthorized traffic-control signs, etc.
- 15-109. Presumption with respect to traffic-control signs, etc.
- 15-110. School safety patrols.
- 15-111. Driving through funerals or other processions.
- 15-112. Damaging pavements.

¹Municipal code reference

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

²State law references

Under Tennessee Code Annotated § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated § 55-10-401; failing to stop after a traffic accident where death or injury has occurred, as prohibited by Tennessee Code Annotated § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated § 55-10-501.

- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Bicycle riders, etc.
- 15-121. Operation of heavy or large vehicles.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1978 Code, § 9-101)

15-102. 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. (1978 Code, § 9-106)

15-103. 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. (1978 Code, § 9-110)

15-104. 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. (1978 Code, § 9-111)

15-105. 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. (1978 Code, § 9-112)

15-106. 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 city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to wilfully violate or fail to comply with the reasonable directions of any police officer. (1978 Code, § 9-113)

15-107. 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 city. This section shall not be construed as being mandatory but is merely directive. (1978 Code, § 9-114)

15-108. 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. (1978 Code, § 9-115)

15-109. 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 municipal authority. All presently installed traffic control signs,

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic-control signals generally: §§ 15-505--15-509.

²For the latest revision of the Tennessee Manual on Uniform Traffic-Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

signals, markings, and devices are hereby expressly authorized, ratified, approved, and made official. (1978 Code, § 9-116)

15-110. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1978 Code, § 9-117)

15-111. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1978 Code, § 9-118)

15-112. Damaging pavements. No person shall operate upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1978 Code, § 9-119)

15-113. 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. (1978 Code, § 9-120)

15-114. 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. (1978 Code, § 9-121)

15-115. 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. (1978 Code, § 9-122)

15-116. 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 (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place

of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1978 Code, § 9-123)

15-117. 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 "squealing" of the tires on any motor vehicle. (1978 Code, § 9-124)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988." (1978 Code, § 9-125)

15-119. 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. (1978 Code, § 9-126)

15-120. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor scooter 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 scooters.

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

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor scooter while any other person is a passenger upon said motor vehicle.

No person shall operate or ride upon any motorcycle, motorbike, or motor scooter unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. Every motor driven cycle operated upon any public way 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 shall be required to wear safety goggles of a type approved by the state's commissioner of safety to prevent flying objects from striking the eyes. (1978 Code, § 9-127)

15-121. Operation of heavy or large vehicles. It shall be unlawful for any person to operate or drive a truck, tractor trailer truck, bus or any vehicle with a trailer attached upon all streets except that said vehicles may be operated and driven on said streets for the purpose of loading and unloading for properties located on said streets. The term "truck" and "tractor trailer truck" shall be construed as any such vehicle having a rated capacity of one (1) ton or greater. (Ord. #85, Sept. 2005)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1978 Code, § 9-102)

15-202. 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:

(a) Park or stand, irrespective of the provisions of this title;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear;

(c) Exceed the maximum speed limit so long as life or property is not thereby endangered; and

(d) Disregard regulations governing direction of movement or turning in specified directions.

(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 five hundred feet (500') 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 safety of all persons, nor shall such provisions protect the driver from the

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

consequences of his reckless disregard for the safety of others. (1978 Code, § 9-103)

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1978 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1978 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.
- 15-305. Reckless driving.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1978 Code, § 9-201)

15-302. 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. (1978 Code, § 9-202)

15-303. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph. In school zones where the board of mayor and aldermen has not established speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1978 Code, § 9-204)

15-305. 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. (1978 Code, § 9-107)

CHAPTER 4

TURNING MOVEMENTS**SECTION**

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. 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 (1978 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1978 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two (2) roadways. (1978 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1978 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1978 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5**STOPPING AND YIELDING****SECTION**

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

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1978 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto 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. (1978 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1978 Code, § 9-403)

¹Municipal code reference

Authorized emergency vehicles defined: § 15-201.

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the 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 feet (1,500') 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. (1978 Code, § 9-404)

15-505. 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. (1978 Code, § 9-405)

15-506. 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. (1978 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) 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," Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic "Stop" signal is exhibited.

(3) Steady red alone, or "Stop." Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red

signal shall be permitted at all intersections within the city, 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 will 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 of red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(4) 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. (1978 Code, § 9-407)

15-508. 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 by the city, 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 none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1978 Code, § 9-408)

15-509. 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. (1978 Code, § 9-410)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

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

Except as hereinafter provided, every vehicle parked upon a street within the City of St. Joseph shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street.

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. (1978 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the city 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 feet (24'). (1978 Code, § 9-502)

15-603. 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 (1) space or protrudes beyond the official marking on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1978 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen feet (15') thereof.
- (4) Within fifteen feet (15') of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty feet (50') of a railroad crossing.

(7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of 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 city. (1978 Code, § 9-504)

15-605. 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 city as a loading and unloading zone. (1978 Code, § 9-505)

15-606. 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. (1978 Code, § 9-506)

CHAPTER 7**ENFORCEMENT****SECTION**

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

15-701. Issuance of traffic citations.¹ 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. (1978 Code, § 9-601)

15-702. 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. (1978 Code, § 9-602)

15-703. 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. (1978 Code, § 9-603)

¹Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 1.

State law reference

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

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be twenty-five dollars (\$25.00) and a storage cost of one dollar (\$1.00) per day shall also be charged. (1978 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated § 55-16-103, shall be impounded and disposed of in accordance with the provisions of Tennessee Code Annotated §§ 55-16-103 through 55-16-109. (1978 Code, § 9-605)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades regulated.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1978 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street, alley, or sidewalk at a height of less than fourteen feet (14'). (1978 Code, § 12-102)

16-103. 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, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1978 Code, § 12-103)

¹Municipal code reference

Motor vehicle and traffic regulations: title 15.

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1978 Code, § 12-104)

16-105. 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 commissioners. (1978 Code, § 12-105)

16-106. 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 statute. (1978 Code, § 12-106)

16-107. 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. (1978 Code, § 12-108)

16-108. 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 or ice from the abutting sidewalk. (1978 Code, § 12-109)

16-109. Parades regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder 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 immediately clean up the resulting litter. (1978 Code, § 12-110)

16-110. 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 to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful

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

for any person knowingly to allow any minor under his control to violate this section. (1978 Code, § 12-112)

16-111. 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. (1978 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. 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 city manager is open for business, and said permit shall be retroactive to the date when work was begun. (1978 Code, § 12-201)

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

¹Sections 16-201 through 16-209 in this chapter were taken substantially from 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.

to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing. (1978 Code, § 12-202)

16-203. 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 feet (25') 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. (1978 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of 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 recorder 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 city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1978 Code, § 12-204)

16-205. 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. (1978 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that

unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, 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. (1978 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000.00) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in any one (1) accident, occurrence or act. (1978 Code, § 12-207, modified)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1978 Code, § 12-208)

16-209. Supervision. The board of commissioners may designate an inspector who shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city 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. (1978 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the

recorder. 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 feet (35') 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 feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend into the street. (1978 Code, § 12-210)

TITLE 17**REFUSE AND TRASH DISPOSAL**¹**CHAPTER****1. REFUSE.****CHAPTER 1****REFUSE****SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1978 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1978 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which are handled

¹Municipal code reference

Littering: title 11, chapter 7.

Property maintenance regulations: title 13.

mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four feet (4') and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection. (1978 Code, § 8-203)

17-104. Location of containers. Where alleys are used by refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1978 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1978 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of commissioners shall designate and under such arrangement as the board of commissioners shall make. Collections shall be made regularly in accordance with an announced schedule. (1978 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1978 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of commissioners is expressly prohibited. (1978 Code, § 8-208)

TITLE 18**WATER AND SEWERS¹****CHAPTER**

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

CHAPTER 1**WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Water main extensions.
- 18-108. Variances from and effect of preceding section as to extensions.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Schedule of rates.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Reconnection charge.
- 18-116. Termination of service by customer.
- 18-117. Access to customers' premises.
- 18-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use of or interference with water supply and waterworks system.
- 18-123. Limited use of unmetered private fire line.

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

- 18-124. Damages to property due to water pressure.
- 18-125. Liability for cutoff failures.
- 18-126. Restricted use of water.
- 18-127. Interruption of service.
- 18-128. Fluoridation of water supply.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the City of St. Joseph and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1978 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the City of St. Joseph under either an expressed or implied contract.

(2) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

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

(5) "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.

(6) "Service line" shall consist of the pipe line extending from any water main of the city 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 city's water main to and including the meter and meter box. (1978 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed.(1978 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form contract and pay an application fee of one hundred fifty dollars (\$150.00) before service is supplied. The application fee shall be refundable if and only if the city cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish the service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant. (1978 Code, § 13-104, modified)

18-105. 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 service. (1978 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water service line will be laid by the city, the applicant shall pay a tap of four hundred dollars (\$400.00) for service within the corporate limits or five hundred dollars (\$500.00) for service outside the corporate limits.

This tap fee shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the tap fee, the applicant shall pay to the city the amount of such excess cost when billed therefor.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1978 Code, § 13-106, modified)

18-107. Water main extensions. Persons desiring water main extensions must pay all of the cost of making such extensions. For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the board of commissioners), not less than six inches (6") in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than one thousand feet (1,000') from the most distant part of any dwelling structure and no farther than six hundred feet (600') from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the board of commissioners) two inches (2") in diameter, to supply dwellings only, may be used to supplement such lines.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the city in accordance

with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water system and shall furnish water service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1978 Code, § 13-108)

18-108. Variances from and effect of preceding section as to extensions. Whenever the board of commissioners is of the opinion that it is to the best interest of the city and its inhabitants to construct a water main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of commissioners.

The authority to make water main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1978 Code, § 13-109)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the city. Before service is begun a meter connection fee of seventy-five dollars (\$75.00) shall be paid by or on behalf of the customer.

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 city. 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. (1978 Code, § 13-110, modified)

18-110. Meter tests. The city 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. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1978 Code, § 13-111)

18-111. Schedule of rates. All water service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.¹ (1978 Code, § 13-112)

18-112. Multiple services through a single meter. No customer shall supply water service to more than one (1) dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one (1) 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 charges 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 city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or 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. (1978 Code, § 13-113)

18-113. Billing. Bills for residential water service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city. Water service may be discontinued for non-payment of the bill.

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

Water bills must be paid on or before the discount date shown thereon to obtain the net rate; otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued if the bill is not paid within ten (10) days, and the notice shall also advise the customer of his/her right to a hearing if requested in writing before that ten (10) day time period lapses, with the name, title, address and phone number of the person to whom the request for a hearing shall be forwarded. The City of St. Joseph shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill 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 city if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1978 Code, § 13-114, modified)

18-114. Discontinuation or refusal of service. The city shall have the right to discontinue water 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, including the nonpayment of bills.
- (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 (1) such customer or tenant.

Discontinuance of service by the city 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. (1978 Code, § 13-115)

18-115. Reconnection charge. Whenever service has been discontinued as provided for above, a reconnection charge of forty dollars (\$40.00) shall be collected by the city before service is restored. (1978 Code, § 13-116, modified)

18-116. 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 city 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 city 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 city 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 the ten (10) day period.

(2) During the 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 city 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. (1978 Code, § 13-117)

18-117. Access to customers' premises. The city'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 city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1978 Code, § 13-118)

18-118. Inspections. The city 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 city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1978 Code, § 13-119)

18-119. 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 City of St. Joseph shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1978 Code, § 13-120)

18-120. Customer's responsibility for violations. Where the City of St. Joseph furnishes water 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. (1978 Code, § 13-121)

18-121. Supply and resale of water. All water shall be supplied within the city exclusively by the City of St. Joseph, 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 city. (1978 Code, § 13-122)

18-122. Unauthorized use of or interference with water supply and waterworks system. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city.

It shall be unlawful for any person or persons to tamper with, change, alter or molest any portion of the waterworks system of the City of St. Joseph, Tennessee including, but not confined to, pipes, valves, fire hydrants, water tank, meters, spring, spring house, pump, pumphouse, easements, right-of-way and other properties thereunto belonging, or to make any connections to the system without the permission of the recorder, or to reconnect service when it has been disconnected for nonpayment of a bill for service until such bill has been paid in full, including the reconnection fee. (1978 Code, § 13-123)

18-123. Limited use of unmetered private fire line. Where a private fire line 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 city.

All private fire hydrants shall be sealed by the city, 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 city a written notice of such occurrence. (1978 Code, § 13-124)

18-124. Damages to property due to water pressure. The City of St. Joseph 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 city's water mains. (1978 Code, § 13-125)

18-125. Liability for cutoff failures. The city'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 city has failed to cut off such service.

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

(3) The city 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 city's main.

Except to the extent stated above, the City of St. Joseph 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 city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1978 Code, § 13-126)

18-126. Restricted use of water. In times of emergencies or in times of water shortage, the city 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. (1978 Code, § 13-127)

18-127. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city 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 systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The city 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. (1978 Code, § 13-128)

18-128. Fluoridation of water supply. The water department of the City of St. Joseph, Tennessee, is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of St. Joseph, Tennessee, and to submit such plans to the Department of Public Health of the State of Tennessee for approval. Upon approval the water department shall add

chemicals such as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply. The cost of such fluoridation will be borne by the revenues of the water department of the City of St. Joseph, Tennessee. (1978 Code, § 13-129)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses restricted.
- 18-212. Pollution of groundwater prohibited.
- 18-213. Enforcement of chapter.
- 18-214. Carnivals, circuses, etc.

18-201. 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 feet (200') of any boundary of said property measured along the shortest available right-of-way.

(2) "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 seven hundred fifty (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 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 feet (4') liquid of one foot (1'). The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3)

¹The regulations in this chapter governing the disposal of sewage and human excreta are recommended by the Tennessee Department of Public Health for adoption by cities in the interest of public health.

Municipal code references

Plumbing code: title 12.

Water administration and operation: title 18, chapter 1.

times the width. The liquid depth should not exceed five feet (5'). 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 recommendation of the health officer as determined by acceptable soil percolation data.

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

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

(5) "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 below) the type, location, and construction of which have been approved by the health officer.

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1978 Code, § 8-301)

18-202. 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. (1978 Code, § 8-302)

18-203. 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. (1978 Code, § 8-303)

18-204. 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. (1978 Code, § 8-304)

18-205. Registration and records of septic tank cleaners. 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. (1978 Code, § 8-305)

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under section § 18-202 and water carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1978 Code, § 8-306)

18-207. 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. (1978 Code, § 8-307)

18-208. 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 § 18-202, or the agent of the owner to provide such facilities. (1978 Code, § 8-308)

18-209. 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. (1978 Code, § 8-309)

18-210. 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. (1978 Code, § 8-310)

18-211. 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. (1978 Code, § 8-311)

18-212. Pollution of groundwater prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1978 Code, § 8-312)

18-213. 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, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1978 Code, § 8-313)

18-214. 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. (1978 Code, § 8-314)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Compliance with Tennessee Code Annotated.
- 18-303. Regulated.
- 18-304. Statement required.
- 18-305. Inspections.
- 18-306. Correction of violations.
- 18-307. Required protective devices.
- 18-308. Nonpotable supplies.
- 18-309. Provisions applicable.
- 18-310. Violations and penalty.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

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

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

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

(4) "Interconnection." Any system of piping or other arrangement whereby the public water 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 system.

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

(6) "Public water system." The waterworks system furnishing water to the City of St. Joseph for general use and which supply is recognized as a

¹Municipal code reference

Plumbing and related codes: title 12.

public water system by the Tennessee Department of Environment and Conservation.

(7) "Superintendent." That person in charge of the operation of the St. Joseph waterworks system or the authorized representative of that person.

18-302. Compliance with Tennessee Code Annotated. The St. Joseph waterworks system is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-719, as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses.

18-303. Regulated. It shall be unlawful for any person to cause a cross-connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the director.

18-304. 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 a statement that there is no unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises.

18-305. Inspections. The superintendent shall inspect all properties served by the public water supply where cross-connections with the public water supply are possible. If in the opinion of the superintendent, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any re-inspection of the same work is required, then a fee as established by the city may be assessed for each re-inspection against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the re-inspection fee. The frequency of inspections and re-inspections, based on potential health hazards involved shall be established by the superintendent as approved by the Tennessee Department of Environment and Conservation. The superintendent shall have the right to enter at any reasonable time any property served by a connection to the St. Joseph waterworks system for the purpose of inspecting the piping system therein for

cross-connections. The city may also employ an independent contractor to perform inspection and testing of back-flow prevention devices under this section and may pass the cost of such inspection and testing on to the customer as part of the customer's monthly water bill. Any such independent contractor shall have the same authority, as would a city employee to enter onto any property at reasonable times to perform such inspections.

18-306. Correction of violation. Any person who now has cross-connection, auxiliary intake, bypass, or interconnection in violation of the provisions of this chapter shall be allowed a reasonable time within which to correct the violation. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the superintendent.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the superintendent, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customer's on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

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

18-307. Required protective devices. Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) The owner or occupant of the premises cannot, or is not willing to, demonstrate to the superintendent that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (3) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, then the superintendent 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 Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the St. Joseph waterworks system shall have the right to inspect and test the device on an annual basis or whenever deemed necessary by the superintendent. 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. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test or repair the device. The superintendent shall require the occupant or owner of the premises to make all repairs indicated promptly and to keep any device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the director.

The failure to maintain a backflow prevention device in proper working order shall be grounds for discontinuing water service to a premises. The removal, bypassing, or altering of a protective device, or the installation thereof, so as to render the device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent.

18-308. Nonpotable supplies. The potable water made available to premises served by the public water system shall be protected from possible contamination in accordance with provisions of this chapter. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

Minimum acceptable sign shall have black letters at least one inch (1") high located on a red background.

18-309. Provisions applicable. The requirements contained herein shall apply to all premises served by the St. Joseph waterworks system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any

premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the St. Joseph corporate limits.

18-310. Violations and penalty. Any person who neglects or refuses to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in accordance with § 1-401. In addition to the foregoing fines and penalties, the superintendent shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued.

TITLE 19**ELECTRICITY AND GAS****CHAPTER****1. GAS.****CHAPTER 1****GAS****SECTION**

- 19-101. Application and scope.
- 19-102. Definitions.
- 19-103. Application and contract for service.
- 19-104. Service charges for temporary service.
- 19-105. Connection charges.
- 19-106. Gas main extensions.
- 19-107. Gas main extension variances.
- 19-108. Meters.
- 19-109. Multiple services through a single meter.
- 19-110. Customer billing and payment policy.
- 19-111. Termination or refusal of service.
- 19-112. Termination of service by customer.
- 19-113. Access to customers' premises.
- 19-114. Inspections.
- 19-115. Customer's responsibility for system's property.
- 19-116. Customer's responsibility for violations.
- 19-117. Supply and resale of gas.
- 19-118. Unauthorized use of or interference with gas supply.
- 19-119. Damages to property due to gas pressure.
- 19-120. Liability for cutoff failures.
- 19-121. Restricted use of gas.
- 19-122. Interruption of service.
- 19-123. Schedule of rates.

19-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving gas service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

19-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives gas service from the city under either an express or implied contract.

(2) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(3) "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.

(4) "Service line" shall consist of the pipe line extending from any gas main of the city 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 city's gas main to and including the meter and meter box.

19-103. Application and contract for service. Each prospective customer desiring gas service will be required to sign a standard form contract and pay an application fee of one hundred fifty dollars (\$150.00) before service is supplied. The application fee shall be refundable if and only if the city cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish the service.

The receipt of a prospective customer's application for service shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant.

19-104. 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 gas service.

19-105. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new gas service line will be laid by the city, the applicant shall make a nonrefundable connection charge of four hundred dollars (\$400.00). This charge shall be used to pay the cost of laying such new service line and appurtenant equipment. If such costs exceed the amount of the connection charge, the applicant shall pay to the city the amount of such excess cost when billed therefor.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the

meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

19-106. Gas main extensions. Persons desiring gas main extensions must pay all of the cost of making such extensions. All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such gas mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate the mains as an integral part of the municipal gas system and shall furnish gas service therefrom in accordance with these rules and regulations.

19-107. Gas main extension variances. Whenever the city commission is of the opinion that it is to the best interest of the city and its inhabitants to construct a gas main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the commission.

The authority to make gas main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons.

19-108. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

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 gas meter without the written permission of the city. No one shall install any pipe or other device which will cause gas to pass through or around a meter without the passage of such gas being registered fully by the meter.

19-109. Multiple services through a single meter. No customer shall supply gas service to more than one (1) dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one (1) dwelling or premise to be served through a single service line and meter, the amount of gas 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 gas and charges 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 gas so allocated to it, such computation to be made at the city's

applicable gas schedule, including the provisions as to minimum bills. The separate charges for each dwelling or 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.

19-110. Customer billing and payment policy. Gas bills shall be rendered monthly and shall designate a standard net payment period for all customers of not less than thirty (30) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all customers a late payment charge of ten percent (10%) for any portion of the bill paid after the net payment period.

Payment must be received by the city no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a city-celebrated holiday net payment will be accepted if paid on the next business day no later than 4:30 P.M.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if gas is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

19-111. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue gas service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

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

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of gas service according to the following terms and conditions:

- (a) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off and
 - (i) The amount due, including other charges.
 - (ii) The last date to avoid service termination.
 - (iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bill, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If a customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at city hall between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the city is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the city, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made or the correction of the problem that resulted in the termination of service in a manner satisfactory to the city, plus the payment of a reconnection charge of forty dollars (\$40.00).

19-112. 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 city 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 city 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 city 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 city 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.

19-113. Access to customers' premises. The city'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 city, and for inspecting customers' gas plumbing and premises generally in order to secure compliance with these rules and regulations.

19-114. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or gas plumbing system before gas service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the city.

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

19-115. 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 city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

19-116. Customer's responsibility for violations. Where the city furnishes gas 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.

19-117. Supply and resale of gas. All gas shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the gas or any part thereof except with written permission from the city.

19-118. Unauthorized use of or interference with gas supply. No person shall turn on or turn off any of the city's gas, valves, or controls without permission or authority from the city.

19-119. Damages to property due to gas pressure. The city shall not be liable to any customer for damages caused to his gas plumbing or property

by high pressure, low pressure, or fluctuations in pressure in the city's gas mains.

19-120. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for gas 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 gas service, the city has failed to cut off such service.

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

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

Except to the extent stated above, the city 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 city's cutoff.

19-121. Restricted use of gas. In times of emergencies or in times of gas shortage, the city reserves the right to restrict the purposes for which gas may be used by a customer and the amount of gas which a customer may use.

19-122. Interruption of service. The city will endeavor to furnish continuous gas service, but does not guarantee to the customer any fixed pressure or continuous service. The city 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 gas system, the gas supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city 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.

19-123. Schedule of rates. All gas service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.

TITLE 20

MISCELLANEOUS

CHAPTER

1. CEMETERIES.

CHAPTER 1

CEMETERIES

SECTION

20-101. Cemeteries prohibited.

20-101. Cemeteries prohibited. The establishment of cemeteries within the corporate limits of the City of St. Joseph is hereby prohibited. (1978 Code, § 5-501)

ORDINANCE NO. 100**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF ST. JOSEPH TENNESSEE.**

WHEREAS some of the ordinances of the City of St. Joseph are obsolete, and

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

WHEREAS the Board of Commissioners of the City of St. Joseph, 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 "St. Joseph Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF ST. JOSEPH, AS FOLLOWS:¹

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 "St. Joseph 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

¹Charter reference

Tennessee Code Annotated, § 6-20-214.

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

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

¹State law reference

For authority to allow deferred payment of fines, or payment by
(continued...)

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 commissioners, 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.

(...continued)

installments, see Tennessee Code Annotated, § 40-24-101 et seq.

Section 10. Date of effect. This ordinance shall take effect no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the town 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 8-2, 2016.

Passed 2nd reading 10-4-16, 2016.



Mayor



Recorder