THE
KINGSTON
MUNICIPAL
CODE

Prepared by the

Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

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CITY OF KINGSTON, TENNESSEE

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PREFACE

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

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

By utilizing the table of contents, 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 Linda Winstead MTAS Administrative Specialist is gratefully acknowledged.

Steve Lobertini
Codification Consultant
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY
THE CITY CHARTER

Unless otherwise provided, an affirmative vote of a majority of the members of council present shall be required for the passage of any ordinance (or resolution or motion). (Art. IV, Section 4.08)

The enacting clause of each ordinance shall be "Be it ordained by the City Council of the City of Kingston." (Art. IV, Section 4.09)

Every proposed ordinance shall be in writing. (Art. IV, Section 4.09)

Each ordinance shall be passed at two separate regular or special meetings. (Art. IV, Section 4.09)

All penal ordinances shall be published at least once in the official newspaper of the city, and no such ordinance shall be in force until so published. (Art. IV, Section 4.09)
TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER
1. CITY COUNCIL.
2. CITY MANAGER.
3. FINANCE DIRECTOR, CITY CLERK AND DEPUTIES.
4. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION
1-102. Order of business.
1-103. General rules of order.

1-101. Meetings³. (1) Regular meetings. The regular meetings of the council shall be held at 7:00 P.M. on the second Tuesday of each month in the council meeting room of the Kingston City Hall; however, upon approval of a majority of council, any such regular meeting may be held at another site, the public welfare requiring. Provided, however, the regular meeting of any specific

¹Charter reference
See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references
Building and plumbing inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.

²Charter references
City council: art. IV.
Compensation of mayor and councilmen: art. IV, § 4.05.
elections: art. III.

³Charter reference
Meetings of council: art. III, § 4.07.
month may be held on another date and time if acceptable to the majority of the council with at least twenty-four (24) hours notice being given to the public and all members of council.

(2) **Special meetings.** Special meetings may be called by the mayor or by at least two (2) councilmen on twenty-four (24) hours notice, or shorter in case of an emergency, to the other members of the council personally served by the mayor, a councilman or a police officer. The notice shall indicate in a general way the business to be considered, and business not embraced in the call shall not be considered unless all members of the council are present.

(3) **Quorum.** Except as provided in Article IV, section 4.04, of the city charter, four (4) members of the council, the mayor being a member thereof, shall constitute a quorum for the conduct of business; provided, however, in the absence of a quorum, three (3) members may adjourn the meeting to a later date giving at least twenty-four hours prior notice thereof to absent members.

(4) **Public accessibility.** All council meetings both regular and special, shall be open to the public and citizens shall have a reasonable opportunity to be heard. The council shall exercise its powers only at public meetings. (1991 Code, § 1-101, modified, as amended by Ord. #13-8-13-1, Sept. 2013)

1-102. **Order of business.** At each regular meeting of the city council the following order of business shall be observed unless dispensed with by a majority vote of the council:

(1) The meeting will be called to order by the mayor.
(2) The roll will be called by the city clerk.
(3) The minutes of the previous meeting will be read by the clerk and approved or corrected by the council.
(4) The council will hear comments from the public.
(5) The council will hear communications from the city manager.
(6) The council will hear reports from the mayor, councilmen, and other officers and committees.
(7) The council will dispose of unfinished business.
(8) The council will consider new business.
(9) The meeting will be adjourned.

The agenda of the regular council meeting shall be prepared under the direction of the city manager. The mayor, any member of council, the city manager or the city attorney may submit any item of business for inclusion on the agenda and the city manager shall add such matter to the agenda. Any such item must be submitted no later than 4:30 P.M. on the Wednesday preceding any regular council meeting. No item of business may be added to the agenda for consideration by the city council at the next regular council meeting after the above stated time except by unanimous consent of all members of council. (1991 Code, § 1-102, modified)
1-103. **General rules of order.** The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Newly Revised* (most recent edition) shall govern the transaction of business by and before the city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with special rules in the municipal charter or adopted by the council and set out in this code. (1991 Code, § 1-103, modified)
CHAPTER 2

CITY MANAGER\(^1\)

SECTION
1-201. To be bonded.

1-201. **To be bonded.** The city manager shall, before entering upon his duties, execute a fidelity bond in such sum as the city council shall prescribe. Said bond shall be with a surety company authorized to do business in the State of Tennessee and shall be paid for by the city. (1991 Code, § 1-201)

1-202. **Annual performance evaluation.** Annual evaluations of the city manager evaluation form (similar to attachment\(^2\)) will be distributed to each council member. Each council member will be asked to complete the evaluation form and forward it to MTAS, 120 Conference Center Building, Knoxville, TN 37996-4105, Attn: Municipal Management Consultant for Kingston, within thirty (30) days of the distribution of the form. An MTAS assigned consultant will consolidate reports received from council members into one report to be presented to the city manager within thirty (30) days of the distribution of the form.

Appraisal forms, which shall be made on a form similar to attachment to Ord. #3-4-8-2, will be transmitted to each councilperson with an explanatory letter as attached to this code.\(^2\)

In the event all evaluation forms are not turned in to MTAS within thirty (30) days of the distribution of the form, only those forms submitted will be consolidated into the final report.

After private consultation to discuss the evaluation with the city manager, the MTAS representative will provide a copy of the combined evaluation to city council members with his suggested recommendations to the city manager that could help to broaden his expertise. (1991 Code, § 1-202, modified)

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\(^1\) Charter references
Appointment, compensation, etc.: art. IV, § 5.01.
Powers and duties: art. V., § 5.04.

See attachments to Ord. #3-4-8-2, June 2003, in Appendix A of this code.
CHAPTER 3

FINANCE DIRECTOR, CITY CLERK AND DEPUTIES¹

SECTION
1-301. To be bonded.

1-301. To be bonded. The finance director, city clerk and any deputies shall, before entering upon their duties, execute a fidelity bond in such sum as the city council shall prescribe. Said bond shall be with a surety company authorized to do business in the State of Tennessee and shall be paid for by the city. (1991, Code § 1-301, modified)

¹Charter reference art. VI, § 6.05.
CHAPTER 4

CODE OF ETHICS

SECTION

1-401. Applicability.
1-402. Definition of "personal interest."
1-403. Disclosure of personal interest by official with vote.
1-405. Acceptance of gratuities, etc.
1-406. Exceptions.
1-407. Use of information.
1-408. Use of city time, facilities, etc.
1-409. Use of position or authority.
1-410. Outside employment.
1-411. Ethics complaints.
1-412. Violations.

1-401. Applicability. This chapter serves as the code of ethics for personnel of the City of Kingston, Tennessee (herein city). It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation or other instrumentality appointed or created by the city. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-402. Definition of "personal interest." (1) For purposes of this chapter, "personal interest" means:

   (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

   (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

   (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

   (2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

   (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)
1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official’s vote on the measure. In addition, the official may recuse himself from voting on the measure. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-405. Acceptance of gratuities, etc. No employee shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan guarantee or any other item of monetary value, from any person or entity that:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with any department of city government.

(2) Conducts operations or activities with the City of Kingston.

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duties. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-406. Exceptions. (1) The prohibition on accepting gifts in § 1-405 does not apply to:

(a) A gift given by a member of the employee's immediate family, or by an individual if the gift is given for non-business purpose and is motivated by a close personal friendship and not by the position of the employee.

(b) Informational materials in the form of books, articles, periodicals, other written materials, audio tapes, video tapes, or other forms of communication.

(c) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business.

(d) Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form
of a plaque, trophy, desk item, wall memento or other similar items; provided, that any such item shall not be in a form which can readily converted to cash.

(e) Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed fifty dollars ($50.00) per occasion; provided further that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the among two (2) or more persons or entities identified in § 1-405.

(f) There may be circumstances where refusal or reimbursement of a gift or dining with a value exceeding fifty dollars ($50.00) may be awkward and contrary to the larger interests of the city. In such circumstances, the employee shall disclose the gift/dinner, including a description, estimated value, the person or entity providing the gift/dinner and additional explanations as needed within fourteen (14) calendar days of the occurrence to the internal auditor or director of finance and administration. A form for this purpose will be provided.

(g) Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where an employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings.

(h) Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees of collateral provided by any person described in § 1-405.

(i) Money, goods or any other commodity donated to any employee, as defined in this chapter, for the distribution to any segment of the general public. For example, money donated to the Fraternal Order of Police by private retailers for the purpose of selecting identified under privileged children, transporting them to area stores and buying them Christmas gifts.

(2) An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

(a) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(b) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing city business. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)
1-407. **Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-408. **Use of city time, facilities, etc.** (1) An official or employee may not use or authorize the use of city time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of city time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the city. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-409. **Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-410. **Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the city position or conflicts with any provision of the city’s charter or any ordinance or policy. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-411. **Ethics complaints.** (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any creditable complaint against any appointed official or employee charged with violating provisions of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
(b) The city attorney may request the government body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city's governing body, the governing body shall convene in special session as a committee of the whole to conduct a hearing to consider the merits of the complaint and make a determination that either: the complaint has merit; does not have merit; or that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person would make shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation, or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #7-5-8-3, June 2007, as replaced by Ord. #11-10-11-2, Nov. 2011)

1-412. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the city's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #11-10-11-2, Nov. 2011)
TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. PARKS AND RECREATION COMMISSION.
2. LIBRARY BOARD.
3. FORT SOUTHWEST POINT COMMISSION.
4. TREE ADVISORY BOARD.
5. FINANCIAL REVIEW COMMITTEE.

CHAPTER 1

PARKS AND RECREATION COMMISSION

SECTION

2-102. Organization and general powers and duties.
2-103. Personnel.
2-104. Finances.
2-105. Reports to council.

2-101. Membership, tenure, compensation and vacancies. There is hereby created a parks and recreation commission which shall consist of nine (9) persons, to be appointed by the city council, to serve for terms of four (4) years (one (1) member must be a member of the city council who will serve during his or her term of office as councilman) or until their successors are appointed, except that all members serving at the time the ordinance comprising this section reducing the membership from twelve (12) to nine (9) becomes effective shall continue to serve until the expiration of their term. The members of such commission shall serve without pay. Vacancies in such commission occurring other than by expiration of term shall be filled only for the unexpired term, and such appointments shall be made by the mayor. Members shall live within the city limits. (1991 Code, § 2-101, modified, as replaced by Ord. #11-10-11-1, Nov. 2011)

2-102. Organization and general powers and duties. Immediately after the appointment of the members and annually thereafter, the parks and recreation commission shall organize by electing from its membership a chairman and such other officers as it may deem necessary. The commission may make recommendations to the city manager and city council regarding the rules and regulations for the proper conduct of public recreation for the city.

1Municipal code reference

Regulation park hours: § 16-115.
The said commission may advise the city manager and city council regarding the conduct of any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. The implementation of all facets of the recreation program of the city shall be the responsibility of the city manager. (1991 Code, § 2-102, modified)

2-103. Personnel. The parks and recreation commission may make recommendations to the city manager regarding the employment of all personnel necessary for a well-rounded recreation program. Such personnel may include but shall not be limited to a director of recreation, baseball directors, maintenance and clean-up personnel, playground supervisors, etc. Such recommendations shall be considered but shall not be binding upon the city manager in the employment of personnel. Preference should be given to residents of the city. All personnel shall be under the supervision of the city manager. (1991 Code, § 2-103)

2-104. Finances. The parks and recreation commission may submit a proposed annual budget to the city manager with recommendations for the funding of the city recreation program by the city. The commission may also solicit or accept any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or recreation purposes.

All revenues received by the city from the rental or leasing of recreational areas and facilities such as concession stands, boat docks, etc., shall be turned over to the city to be applied to the parks and recreation budget for making capital improvements on and maintaining recreational areas. All purchases shall be made in accordance with the city's purchasing procedures. (1991 Code, § 2-104, modified)

2-105. Reports to council. The parks and recreation commission shall make such reports of the commission meetings to council as council may require and such reports shall be retained as permanent records at city hall. (1991 Code, § 2-105, modified)
CHAPTER 2

LIBRARY BOARD

SECTION
2-201. Membership and election.
2-202. Terms of office.
2-203. Officers and duties.
2-204. Board duties.

2-201. Membership and election. (1) The board of directors of the Kingston City Library shall consist of seven (7) members. Not more than one official of the city council shall serve on the board. In addition, the head librarian shall be an ex officio member of the board.

(2) All members of the board shall be appointed by the city council. The library board may submit recommendations to the city council for consideration. Notification of appointment shall be made by the council and by the board.

(3) Members of the board of directors shall be qualified voters and preferably residents of the City of Kingston. (1991 Code, § 2-201)

2-202. Terms of office. (1) The term of office shall be for a period of three years, except that the member of the city council shall serve during his or her term of office on city council. The incumbent members of the board at the time of passage of this section shall continue in their normal term of office until expiration. Thereafter, except for the council member, the board members shall be appointed such that at least two terms of office expire each year.

(2) Appointment to the library board shall be made by council prior to the close of the calendar year so that the terms of office may begin January 1 of the following year.

(3) Interim vacancies shall be declared upon the resignation, death or change of residency out of the region of the City of Kingston by a member or when a member misses fifty percent (50%) of the meetings within one (1) fiscal year without sufficient reason.

(4) In the event the council fails to appoint a successor to any member at the end of the normal term of office, that member shall continue in office as a qualified member of the board until officially replaced. (1991 Code, § 2-202, modified)

Charter reference
Advisory boards: art. IV, § 4.12.
State law reference:
Tennessee Code Annotated, title 10, chapter 3.
2-203. Officers and duties. (1) The board shall annually elect a chairman, a vice-chairman, a secretary and a treasurer from their number at the first regular meeting after the beginning of the fiscal year.

(2) The vice-chairman shall assume the duties of the chairman when the chairman is absent from the city, or unable to perform his duties for any reason.

(3) The secretary shall be responsible for keeping minutes of all meetings or business conducted by the board and these minutes shall be retained as a permanent record. The records shall be made available for inspection by any citizen in the presence of an officer of the board.

(4) The treasurer shall be responsible for ascertaining the validity of bills presented for payment, based upon budget appropriations and official board action, and presenting such valid bills to the city manager for payment from the library's account. The treasurer shall keep a financial account of income and approved disbursements and provide a quarterly record thereof to the board. The records of the treasurer shall be made available, if requested, for audit of the library's account. (1991 Code, § 2-203)

2-204. Board duties. (1) The board shall have jurisdiction over the affairs of the library. The board may, by agreement with the city, relinquish all personnel responsibilities to the city to be administered as if the library board was a department of the city administration. In such event, the board may interview applicants for the position of head librarian, assistant librarian and other employees, and submit a list of qualified applicants to the city manager. Such recommendations shall be considered but shall not be binding upon the city manager in the employment of personnel. All library personnel shall be employees of the city and managed and paid as other city employees.

(2) It shall be the responsibility of the board in cooperation with the head librarian, to establish board policy, consistent with the city charter and Ordinances.

(3) The head librarian shall direct the internal affairs of the library subject to the direction of the board and of the city manager.

(4) It shall be the board's responsibility to approve payment to CETA or other temporary employees working under federal programs, as approved by the city manager. The board shall approve disbursement of funds which are donated for a designated purpose.

(5) The board shall submit a proposed detailed annual budget to the city council at least ninety (90) days before the end of the fiscal year.

(6) The board may solicit volunteers and funds from organizations, clubs and individuals for various educational and cultural programs. (1991 Code, § 2-204, modified)
CHAPTER 3

FORT SOUTHWEST POINT COMMISSION

SECTION
2-301. Membership, tenure, compensation and vacancies.
2-302. Organization and general powers and duties.
2-304. Finances.
2-305. Reports to council.

2-301. Membership, tenure, compensation and vacancies. There is hereby created a Fort Southwest Point Historic Commission which shall consist of seven (7) persons, one member of which must be a member of the city council, to be appointed by the city council, to serve for terms of four (4) years or until their successors are appointed (the one (1) member of the city council will serve during his or her term of office as councilman). Appointments shall be staggered so that two (2) citizen appointments shall expire annually. The members of such commission shall serve without pay. Vacancies in such commission occurring other than by expiration of term shall be filled only for the unexpired term, and such appointments shall be made by the mayor. A majority of the members shall live within the city limits. (1991 Code, § 2-401, modified)

2-302. Organization and general powers and duties. Immediately after the appointment of the members and annually thereafter, the Fort Southwest Point Commission shall organize by electing from its membership a chairman and such other officers as it may deem necessary. The commission shall make recommendations to the city manager and city council regarding the rules and regulations for the proper administration of the historic programs and facilities at Fort Southwest Point. The said commission shall advise the city manager and city council regarding any form of activity at the facility known as the Fort Southwest Point. The implementation of all facets of the program at Fort Southwest Point shall be the responsibility of the city manager. (1991 Code, § 2-402)

2-303. Personnel. The Fort Southwest Point Commission shall make recommendations to the city manager regarding the employment of all personnel necessary for a well rounded program at Fort Southwest Point. Such recommendations shall be considered but shall not be binding upon the city manager of the employment of personnel. Preference should be given to residents of the city. All personnel shall be under the supervision of the city manager. (1991 Code, § 2-403)
2-304. **Finances.** The Forth Southwest Point Commission shall submit a proposed annual budget to the city manager with recommendations for the funding of the historic program at Forth Southwest Point. The commission may also solicit or accept any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use at Fort Southwest Point. All revenues received by the city from the Fort Southwest Point historic facilities shall be turned over to the city to be applied to the Fort Southwest Point Commission budget for maintaining the historic facilities at Fort Southwest Point. All purchases shall be made in accordance with the city's purchasing procedures. (1991 Code, § 2-404)

2-305. **Reports to council.** The Fort Southwest Point Commission shall make monthly reports of the commission meetings in written from to council and such reports shall be retained as permanent records at city hall. (1991 Code, § 2-405)
CHAPTER 4

TREE ADVISORY BOARD

SECTION
2-401. Membership, tenure, compensation and vacancies.
2-402. Organization and general powers and duties.
2-403. Public tree care.
2-404. Interference.
2-405. Reports to council.

2-401. Membership, tenure, compensation and vacancies.
(1) There is hereby created a tree advisory board which shall consist of four (4) persons, as follows: two (2) citizens without special qualifications; one (1) person who serves as a member of the city council; and, the parks and recreation director during the time he or she holds such position. The two (2) citizen members are to serve for terms of four (4) years or until their successors are appointed (the one member of the city council will serve during his or her term of office as councilman), provided that the first board shall be appointed with one (1) member to serve for two (2) years and one (1) member for four (4) years. The city council member shall serve for the term of his or her term of office as councilman. All members shall be appointed by the city council. The members of such board shall serve without pay. Citizen vacancies of such board occurring other than by expiration of term shall filled only for the unexpired term, and such appointments shall be made by the mayor. Members shall live within the city limits. (Ord. #8-12-9-3, Jan. 2009)

2-402. Organization and general powers and duties. It shall be the responsibility of the board:
(1) To develop and update plan to promote and encourage the care, planting and preservation of trees and shrubs within the community. Said plan shall be submitted to city council for review and approval.
(2) To coordinate an annual urban forestry assessment and present findings to council.
(3) When requested by the city council or city manager to consider, investigate, make findings, report and make recommendations upon any special matter or question coming within the scope of its work. (Ord. #8-12-9-3, Jan. 2009)

2-403. Public tree care. (1) Tree topping. Tree topping is defined as aggressive pruning of a tree's canopy. It is the policy of the city to refrain from topping of trees located on public property, provided, however, tree topping is appropriate whenever needed for the sake of energy outage prevention or where trees are severely damaged by storms or other causes or where trees are located
under utility wires or other obstructions and other pruning practices are impractical.

(2) **Pruning and clearance.** The city shall have the right to prune, cut, clear, or remove any tree, shrub, bush, or flower on public property which overhangs any street, right-of-way, or public easement within the city that constitutes a hazard to the safety or property of any person upon such street right-of-way or easement. Such pruning or clearance can also be done if a tree, shrub, bush, or flower interferes with the spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign, or interferes with pedestrian travel, or interferes with the safe line of sight along any street or roadway, or which is injurious or a potential threat to sewers, electrical power lines, gas lines, water lines, or other public improvements. The city will attempt to minimize the amount of pruning, cutting, clearance, and removal of trees necessary to accomplish the safety objective undertaken. (Ord. #8-12-9-3, Jan. 2009)

**2-404. Interference.** It shall be unlawful for any person or persons to prevent, delay or interfere with the city, or any of its agents while engaging in the planting, cultivating, mulching, pruning, spraying, or removal of any trees on public property. (Ord. #8-12-9-3, Jan. 2009)

**2-405. Reports to council.** The tree advisory board shall make such reports as the city council shall require. (Ord. #8-12-9-3, Jan. 2009)
CHAPTER 5

FINANCIAL REVIEW COMMITTEE

SECTION

2-503. Reports to council.

2-501. Membership, tenure and compensation. There is hereby created a financial review committee which shall be advisory in nature and the membership of which shall be composed of two (2) council members to be appointed by council and to serve for the term of his or her term of office as councilman. The members of such committee shall serve without pay and shall have no deliberate or administrative authority. (as added by Ord. #13-8-13-2, Sept. 2013)

2-502. Organization and general powers and duties. It shall be the responsibility of the committee:

(1) To meet with the city manager and his deputies; to review the financial affairs of the city; and to make reports to the city council to enable the city council to be cognizant of the administration of such financial affairs of the city.

(2) To meet at such times and at such places and with such frequency as the members of the committee shall deem to be in the best interest of the city.

(3) When requested by the city council or city manager, to consider, investigate and report to council upon any special matter or question coming within the scope of its work. (as added by Ord. #13-8-13-2, Sept. 2013)

2-503. Reports to council. The financial review committee shall make such reports to city council as the committee deems necessary or as council shall from time to time require. (as added by Ord. #13-8-13-2, Sept. 2013)
TITLE 3

MUNICIPAL COURT

CHAPTER
1. CITY JUDGE.
2. CITY COURT.

CHAPTER 1

CITY JUDGE

SECTION
3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1991 Code, § 3-101)

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1Charter reference
City court: art. IX.

2Charter reference
City judge: art. IX.
CHAPTER 2

CITY COURT

SECTION

3-201. Trial and disposition of cases.
3-202. Appearance bonds authorized.
3-203. Appeals.
3-204. Bond amounts, conditions, and forms.
3-205. Disposition and report of fines and costs.
3-206. Disturbance of proceedings.
3-207. Court costs.
3-208. Collection agency to collect unpaid fines, etc.

3-201. **Trial and disposition of cases.** Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided that city court is in session or the city judge is reasonably available. 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. (1991 Code, § 3-201)

3-202. **Appearance bonds authorized.** When the city judge is not available or when an alleged offender requests and has reasonable grounds of a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the city clerk or ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1991 Code, § 3-202)

3-203. **Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1991 Code, § 3-203)

3-204. **Bond amounts, conditions, and forms.** Except when otherwise provided by the city judge, an appearance bond in any case before the city court shall be in the sum of one hundred dollars ($100.00) and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit

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1 Charter reference

City court: art. IX.
court shall find against the appellant the penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property of sufficient value which is located within the county. No other type bond shall be acceptable. (1991 Code, § 3-204)

3-205. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. Then, at the end of each month he shall submit to the city council a report accounting for the collection or non-collection of all penalties and costs imposed by his court during the current month and to date for the current fiscal year. (1991 Code, § 3-205)

3-206. 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. (1991 Code, § 3-206)

3-207. Court costs. (1) All fines, penalties and costs shall be imposed and recorded by the municipal court clerk on a municipal docket in open court. (2) In cases wherein the defendant admits guilt and waives the opportunity to appear in open court and in cases heard and determined by the municipal judge, the judge shall tax as court costs the amount of seventy-five dollars ($75.00) per case, plus any litigation tax authorized by the laws of the State of Tennessee as well as the cost of any capias issued in the case. (1991 Code, § 3-207)

3-208. Collection agency to collect unpaid fines, etc. (1) The employment of Solutia Revenue Recovery, Inc. is hereby authorized and the Mayor of the City of Kingston is hereby authorized to execute the collection agreement proffered by Solutia Revenue Recovery, Inc., a copy of which is attached hereto.1 (2) The ordinance comprising this section shall take effect upon final passage, the public welfare requiring it. (as added by Ord. #10-8-10, Oct. 2010)

1The document detailing the Solutia Revenue Recovery, Inc. agreement is available in the recorder's office.
TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY.
2. PERSONNEL SYSTEM.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. PERSONNEL ADVISORY BOARD.
5. NEPOTISM POLICY.

CHAPTER 1

SOCIAL SECURITY

SECTION
4-101. Policy and purpose as to coverage.
4-102. Necessary agreements to be executed.
4-103. Withholdings from salaries or wages.
4-104. Appropriations for employer's contributions.
4-105. Records and reports.
4-106. Exemptions from coverage.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1991 Code, § 4-101)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1991 Code, § 4-102)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1991 Code, § 4-103)
4-104. **Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1991 Code, § 4-104)

4-105. **Records and reports.** The city manager shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1991 Code, § 4-105)

4-106. **Exemptions from coverage.** There is hereby excluded from this chapter any authority to make any agreement with respect to emergency employees and to any position, or employee or official not authorized to be covered by applicable federal, state laws and regulations. Acting under Section 2 of Emergency Ordinance passed and approved on September 21, 1951, the mayor is hereby directed to make and enter into an Amendment to the Social Security Agreement of January 1, 1951, so as to extend the benefits of the System of Federal Old Age and Survivors Insurance to include part-time positions, elective officials in "legislative" and judicial positions, effective January 1, 1979 and, to include employees and officials rendering services on a fee-basis, effective January 1, 1983. This agreement is also to exclude the services performed by election officials and election workers if the remuneration paid for such services is less than $100.00 in a calendar year, to be effective not earlier than the last day of the calendar quarter in which a modification to the agreement is mailed to the Federal Social Security Administration, pursuant to Federal Law. (1991 Code, § 4-106)
CHAPTER 2

PERSONNEL SYSTEM\(^1\)

SECTION
4-201. Purpose.
4-202. Coverage.
4-203. Administration.
4-204. Personnel rules and regulations.
4-205. Records.
4-206. Right to contract for special services.
4-207. Discrimination.

4-201. **Purpose.** The purpose of this chapter is to establish a system of personnel administration in the City of Kingston that is based on merit and fitness. The system shall provide a 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.

(1991 Code, § 4-201)

4-202. **Coverage.** All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:

(1) All elected officials.
(2) The city manager.
(3) Members of appointed boards and commissions.
(4) Consultants, advisers, and legal counsel rendering temporary professional service.
(5) City attorney.
(6) Independent contractors.
(7) Persons employed by the city for not more than six (6) months during a fiscal year.
(8) Part-time employees paid by the hour of the day, and not considered permanent.

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\(^1\)Charter reference
- Oath of office: art. VI, § 6.03.
- Manager's powers: art. VI, § 6.04.
- To be bonded: art. VI, § 6.09.
(9) Volunteer personnel appointed without compensation.
(10) City judge.

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the city charter. (1991 Code, § 4-202)

4-203. **Administration.** The personnel system shall be administered by the personnel clerk under the direction of the city manager. (1991 Code, § 4-203)

4-204. **Personnel rules and regulations.** Amendments to the rules and regulations shall be made in accordance with the procedure set out in the initial personnel rules and regulations, which are incorporated by reference in this chapter as if fully set out herein.¹ (1991 Code, § 4-204)

4-205. **Records.** The personnel clerk shall maintain adequate records of the employment record of every employee as specified herein. (1991 Code, § 4-205)

4-206. **Right to contract for special services.** The city council may direct the city manager to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (1991 Code, § 4-206)

4-207. **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. (1991 Code, § 4-207)

¹The personnel rules and regulations and any amendments are of record in the office of the city clerk.
CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION
4-301. Title.
4-302. Purpose.
4-303. Coverage.
4-304. Standards authorized.
4-305. Variances from standards authorized.
4-306. Administration.
4-307. Funding the program.

4-301. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program Plan for the employees of City of Kingston. (1991 Code, § 4-301)

4-302. Purpose. The Kingston City Council, 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.

(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. (1991 Code, § 4-302)

4-303. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Kingston shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Kingston whether part-time or full-time, seasonal or permanent. (1991 Code, § 4-303)

4-304. Standards authorized. The occupational safety and health standards adopted by the Kingston City Council 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 (Tennessee Code Annotated, title 50, chapter 3). (1991 Code, § 4-304)

4-305. Variances from standards authorized. The City of Kingston 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 Kingston 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 safety officer shall be deemed sufficient notice to employees. (1991 Code, § 4-305)

4-306. Administration. For the purposes of this chapter, the safety officer 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 said plan. 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. (1991 Code, § 4-306)
4-307. **Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Kingston City Council. (1991 Code, § 4-307)
CHAPTER 4
PERSONNEL ADVISORY BOARD

SECTION
4-401. Established. A personnel advisory board is hereby established pursuant to article IV, section 4.12 of the city charter. (1991 Code, § 4-401)

4-402. Purpose. The personnel advisory board is established to advise the city manager and city council on various personnel matters such as, but not limited to, those enumerated hereinafter, and to investigate all written complaints of employed personnel of the city. (1991 Code, § 4-402)

4-403. Membership, election, and officers. The personnel advisory board shall consist of three members who are registered voters and residents of the city. One member shall be elected by the council, one shall be elected by the regular city employees, and the third shall be appointed by the city manager. No person who holds any salaried office or employment in the city government shall serve on the board. Members shall serve without compensation but may be reimbursed for necessary expenses incurred on official duties. A chairman and a secretary shall be elected at the first meeting in each fiscal year. (1991 Code, § 4-403)

4-404. Terms of office. Members of the personnel advisory board shall normally serve for a single three year term. However, of the members first appointed, the member elected by the regular city employees shall serve for two (2) years and the member appointed by the city manager shall serve for one year. Other than normal completion of a term of office, a member's position on the board shall become vacant upon his death, resignation, failure to perform his duties, or removal of residence out of the city. Vacancies occurring during a term shall be filled for the balance of that term in the same manner as the original selections were made. (1991 Code, § 4-404)

1Chartier reference
Advisory boards: art. IV, § 4.12.
4-405. **Meetings.** The personnel advisory board shall meet at such times and places as shall be specified by call of the chairman or a majority of the members. All meetings at which business is transacted shall be open to the public and the secretary shall make permanent records of transactions taken by the board and these records shall be available for inspection by the public. (1991 Code, § 4-405)

4-406. **Advisory duties.** The board shall advise the manager regarding personnel rules, establishing salary schedules, administrative organization, written instructions for specific employees where desired, and other matters of general personnel management. It shall assist, if requested, in the evaluation of personnel performance and advise the city manager and council on recommended manpower needs in each department of the city. It may assist the manager, if requested, in preparing qualifications for specific positions of employment and in the review of applicants for employment. Furthermore, the board shall advise the city manager in the preparation of at least an annual report to council as to the personnel status, effectiveness of operation, and manpower needs of each department. This report may include recommendations for promotions, salary increases, or proposed changes in personnel rules or administrative organization. (1991 Code, § 4-406)

4-407. **Complaint review.** The board shall promptly investigate complaints made to it in writing by any officer or employee of the city who is suspended or removed from his position or otherwise adversely affected by a personnel action. The board shall report its findings and recommendations, which shall be advisory in nature, in writing to the manager; however, the decision of the manager in these matters shall be final. If, in the opinion of the board, established personnel rules were not complied with, the board shall make their decisions also known to the city council in writing. (1991 Code, § 4-407)
CHAPTER 5

NEPOTISM POLICY

SECTION
4-501. Definitions.
4-502. Employment.
4-503. Effect of city council member's resignation.
4-504. Continuous employment exception.
4-505. Trading.
4-506. Federal funds.
4-507. Illustrative examples.

4-501. Definitions. (1) "Consanguinity." Two persons are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor. For this purpose, an adopted child or a step child is treated as a natural child. The degree of relationship by consanguinity between a person and his descendant is determined by the number of generations that separate them. If a person and his relative are related by consanguinity, but neither are descended from the other, the degree of relationship is determined by adding the number of generations between the person and the next common ancestor shared by his and her relative to the number of generations between the relative and the nearest common ancestor.

If a supervisor is the prospective employee's parent or child, there exists a relationship in the first degree. If a supervisor is the prospective employee's grandparent, grandchild, sister or brother, there is a relationship in the second degree. If a supervisor is the prospective employee's great-grandparent, great-grandchild, aunt, uncle, niece or nephew, there is a relationship in the third degree. These are the only relationships by consanguinity that are prohibited by the nepotism law.

(2) "Affinity." Two persons are related to each other by affinity if they are married to each other or if the spouse of one of the persons is related by consanguinity to the other person. Divorce or the death of a spouse terminates relationships by affinity created by a marriage unless a child of the marriage is living. If a child of the marriage is living, the marriage is considered to continue until the youngest child of that marriage reaches the age of twenty-one (21). A husband and wife are related to each other in the first degree by affinity. For other relationships, the degree of relationship by affinity is the same as the degree of the underlying relationship by consanguinity. If a supervisor's spouse is the prospective employee's parent or child, or if the prospective employee's spouse is a supervisor's parent or child, there exists a relationship in the first degree. If a supervisor's spouse is the prospective employee's grandparent, grandchild, sister or brother, or if the prospective employee's spouse is a supervisor's grandparent, grandchild, sister, or brother
there is a relationship in the second degree. These are the only relationships by affinity that are prohibited by the nepotism law.

(3) "Supervisor." The term "supervisor" as used in this chapter shall mean the mayor and any member of city council, any member of the water board, the city manager, the utility director and any department head of the city or the utility. (1991 Code, § 4-501)

4-502. Employment. No person shall be employed by the city or the utility who is related to any supervisor of the city or the utility by blood (consanguinity) within the third degree, or marriage (affinity) within the second degree. The method of computing degrees of relationship is the civil law method. (1991 Code, § 4-502)

4-503. Effect of city council member's resignation. All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a council member's resignation is filled by a successor, the council member continues to serve and have the duties and powers of office, and a relative within a prohibited degree of relationship is barred from employment. (1991 Code, § 4-503)

4-504. Continuous employment exception. The nepotism prohibitions described in this chapter shall not apply to the confirmation or appointment of an individual to a position if the individual is employed in the position immediately before the election or appointment of the supervisor to whom the individual is related in a prohibited degree and that prior employment is continuous for at least:

Thirty (30) days, if the supervisor is appointed; or
Six (6) months, if the supervisor is elected.

If a person continues in a position under this exception, the supervisor who is related to the employee shall not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation, or dismissal of the employee, if the action applies only to the employee and is not taken regarding a bona fide class or category of employee. (1991 Code, § 4-504)

4-505. Trading. It is illegal to evade the provisions of this chapter by trading.

NOTE: An example of trading would be if a supervisor employed the relative of a person subject to the nepotism statute, in return for which that person employed a relative of the supervisor, given the fact that neither employer could legally employ his nor her own relative. (1991 Code, § 4-505)
4-506. **Federal funds.** The rules against nepotism apply to employees paid with public funds, regardless of the source of those funds. (1991 Code, § 4-506)

4-507. **Illustrative examples.** These illustrations depict the relationships that violate the nepotism law.

CONSANGUINITY (Blood Kinship): Supervisor is prospective employee's:

First degree:
- Parent
- Child

Second degree:
- Grandparent
- Grandchild
- Sister/brother

Third degree:
- Great-grandparent
- Great-grandchild
- Aunt/uncle niece/nephew

AFFINITY (Marriage): Kingston City Council member's spouse is the prospective employee or Kingston City Council member's spouse is prospective employee's or prospective employee's spouse is the council member's:

First degree:
- Parent
- Child

Second degree:
- Grandparent
- Grandchild
- Sister/brother

Note: The spouses of two persons related by blood are not by that fact related. The affinity chart supposes only one affinity relationship between the supervisor and prospective employee through either of their spouses. (1991 Code, § 4-507)
CHAPTER 1

REAL PROPERTY TAXES

SECTION
5-101. When due and payable.
5-102. Delinquent taxes.

5-101. When due and payable. Taxes levied by the city against real property shall become due and payable in accordance with Article VIII of the charter. (1991 Code, § 5-101, modified)

5-102. Delinquent taxes. All real property taxes which become delinquent shall be subject to such penalty and interest as is provided for in Article VIII of the charter. (1991 Code, § 5-102)
CHAPTER 2
SALES AND USE TAX

SECTION
5-201. Tax rate.
5-202. Effective date.
5-203. Collection by the State Department of Revenue.
5-204. Administration and collection costs.
5-205. Suits for recovery.

5-201. Tax rate. A sales and use tax is levied at the rate of 5/22 of the rate levied in the Retailer’s Sales Tax Act (Tennessee Code Annotated, section 67-6-701--67-6-712), except as limited or modified by statute. (1991 Code, § 5-201)

5-202. Effective date. If a majority of those voting in the election required by Tennessee Code Annotated, § 67-6-706 vote for the increase in tax imposed by this ordinance, collection of the increased tax levied by this ordinance shall begin on the first day of the month occurring thirty or more days after the county election commission makes its official canvas of the election returns. (1991 Code, § 5-202)

5-203. Collection by the State Department of Revenue. The Department of Revenue of the State of Tennessee shall collect the additional tax imposed by this ordinance concurrent with the collection of the state tax and the local tax now being collected for the City of Kingston, in accordance with rules and regulations promulgated by the department. (1991 Code, § 5-203)

5-204. Administration and collection costs. The mayor is hereby authorized to contract with the Department of Revenue for the collection of the additional tax imposed by this ordinance, and to provide in the contract that the Department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of the tax. (1991 Code, § 5-204)

5-205. Suits for recovery. In the event the tax is collected by the Department of Revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the state Commissioner of Revenue and the Mayor of the City of Kingston. (1991 Code, § 5-205)
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 said state laws. The taxes provided for in the state's "Business Tax Act" (title 67, chapter 4, Tennessee Code Annotated) 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 said act. (1991 Code, § 5-301)

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 city manager to each applicant therefor upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (§ 6-302, 1991 Code, § 5-302)
CHAPTER 4
WHOLESALE BEER TAX

SECTION
5-401. To be collected.

5-401. To be collected. The city manager 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 chapter 6 of title 57, Tennessee Code Annotated.¹ 1991 Code, § 5-401)

¹State law reference
Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 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 reference
Alcohol and beer regulations: title 8.
CHAPTER 5

COMPETITIVE BIDDING

SECTION
5-501. Bidding required.

5-501. Bidding required. (1) Public advertised and competitive bidding pursuant to Tennessee Code Annotated, § 6-56-301 is required for all purchases by the city to which said statutes apply.

(2) Formal, sealed bids shall be obtained in all transactions involving the expenditure of twenty-five thousand dollars ($25,000.00) or more, and any transaction involving the expenditure of twenty-five thousand dollars ($25,000.00) or more shall be evidenced by a written contract submitted to and approved by the city council. (1991 Code, § 5-501, modified)

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1Charter reference
Competitive bidding regulations: art. V, § 5.07.
CHAPTER 6
HOTEL/MOTEL PRIVILEGE TAXES

SECTION
5-601. Definitions.
5-602. Permit required.
5-603. Fee.
5-604. Not transferrable.
5-605. Duration.
5-606. Register required; availability for inspection.
5-607. Rooms to be numbered.
5-608. Privilege tax levied; use.
5-609. Payment of the tax.
5-610. Compensation to the hotel.
5-611. Interest and penalty for late payment.
5-612. Records requirement.

5-601. Definitions. As used in this chapter:
(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever;
(2) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration;
(3) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings or accommodations in any hotel;
(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
(5) "Persons" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit; and
(6) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days. (Ord. #8-3-11, March 2008)

5-602. Permit required. No person will conduct, keep, manage, operate or cause to be conducted, kept, managed or operated, either as owner, lessor, agent or attorney, any hotel in the city without having obtained a permit from the city administrator or his designee to do so. (Ord. #8-3-11, March 2008)
5-603. **Fee.** The fee for each hotel permit will be twenty-five dollars ($25.00). (Ord. #8-3-11, March 2008)

5-604. **Not transferable.** No permit issued under the ordinance comprising this chapter shall be transferred or assigned. (Ord. #8-3-11, March 2008)

5-605. **Duration.** Hotel permits shall be issued annually and shall expire on the last day of December of each year. (Ord. #8-3-11, March 2008)

5-606. **Register required; availability for inspection.** Every person to whom a permit is issued under this chapter shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the persons renting a room or by someone under his direction, and after registration is made and the name of the guest is inscribed as herein provided, the manager shall write the number of the room which guest is to occupy, together with the time such room is rented, before such person is permitted to occupy such room. The register shall be open to inspection at all times to the city administrator or his designee. (Ord. #8-3-11, March 2008)

5-607. **Rooms to be numbered.** Each sleeping room and apartment in every hotel in the city shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number. (Ord. #8-3-11, March 2008)

5-608. **Privilege tax levied; use.** (1) Pursuant to the provisions of Tennessee Code Annotated, §§ 67-4-1401 through § 67-4-1325, there is hereby levied a privilege of occupancy in any hotel of each transient. From and after the operative date of this chapter, the rate of the levy shall be five percent (5%) of the consideration charged by the operator. This privilege tax shall be collected pursuant to and subject to the provisions of these statutory provisions. The fiscal officer shall be designed as the authorized collector to administer and enforce this chapter and these statutory provisions.

(2) The proceeds received from this tax shall be available for the city's general fund. Proceeds of this tax may not be used to provide a subsidy in any form to any hotel or motel. (Ord. #8-3-11, March 2008)

5-609. **Payment of the tax.** Payment of the tax by the motel to the city shall be no later than the 20th day of each month for the preceding month. (Ord. #8-3-11, March 2008)

5-610. **Compensation to the hotel.** The hotel may deduct two percent (2%) from the amount paid to the city. (Ord. #8-3-11, March 2008)
5-611. **Interest and penalty for late payment.** The hotel operator is responsible for paying interest on delinquent taxes, eight percent (8%) per annum, plus a penalty of one percent (1%) per month. (Ord. #8-3-11, March 2008)

5-612. **Records requirement.** The hotel operator must keep records for three (3) years, with the right of inspection by the city. (Ord. #8-3-11, March 2008)
TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.
3. CITATIONS, WARRANTS, AND SUMMONSES.
4. VOLUNTEER RESERVE UNIT.

CHAPTER 1

POLICE DEPARTMENT

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

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1991 Code, §6-101)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1991 Code, § 6-102)

6-103. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

(1) All known or reported offenses and/or crimes committed within the corporate limits.
(2) All arrests made by policemen.
(3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department.
(4) Any other records required to be kept by the city council or by law.

1Municipal code reference
Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.
The police chief shall be responsible for insuring that the police department complies with this section. (1991 Code, §6-103)

6-104. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the city manager shall authorize, and shall carry a service pistol at all times while on duty unless otherwise expressly directed by the chief. (1991 Code, § 6-104, modified)
CHAPTER 2

ARREST PROCEDURES

SECTION
6-201. When policemen to make arrests.

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

(1) Whenever he is in possession of a warrant for the arrest of the person.
(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1991 Code, § 6-201)

6-202. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the city judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1991 Code, § 6-202)

¹Municipal code reference
Issuance of citation in lieu of arrest in traffic cases: title 15, chapter 7.
CHAPTER 3
CITATIONS, WARRANTS, AND SUMMONSES

SECTION
6-301. Citations in lieu of arrest in non-traffic cases.
6-302. Summonses in lieu of arrest.

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

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

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (1991 Code, § 6-301)

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

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1Municipal code reference
Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.
or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

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

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (1991 Code, § 6-302)
CHAPTER 4

VOLUNTEER RESERVE UNIT

SECTION
6-401. Creation and membership.
6-402. Objectives.
6-403. Rules and regulations.
6-404. Training.
6-405. Equipment.
6-406. Bonds.
6-407. Duties and responsibilities.
6-408. Restrictions and limitations.
6-409. Supervision and control.
6-410. Tenure and compensation of members.

6-401. Creation and membership. (1) There is hereby established a volunteer unit of reserve police officers for the city police department. The volunteer reserve unit shall consist of a number of officers equal to the number of full-time police department personnel, excluding dispatching and administrative staff, or such number of members as the city council may from time to time establish.

(2) The volunteer reserve unit shall consist of up to seventeen (17) officers. (1991 Code, § 6-401, as amended by Ord. #7-9-11-4, Oct. 2007)

6-402. Objectives. The volunteer reserve unit shall have the following as its objectives:
(1) To promote the advancement the city police department's mission;
(2) to provide auxiliary law enforcement support to the city police department; and
(3) to enhance the overall performance and effectiveness of the city police department operations. (1991 Code, § 6-402)

6-403. Rules and regulations. All reserve officers shall follow the guidelines, rules and regulations prescribed by the police department's rules and procedures manual in the performance of their duties. (1991 Code, § 6-403)

6-404. Training. The city police department will provide such training to reserve officers as necessary for the effective performance of their respective duties. All reserve officers shall be trained in conjunction with full-time officers, the scope of which shall be the same as full-time officers and shall include but not be limited to the following as determined by the chief of police:
(1) Completion of an orientation training course in the police department's Rules and Procedures Manual prior to beginning active duty,
6-405. Equipment. The city police department shall furnish each reserve officer with uniforms, badges and items of equipment that are made available through the annual appropriation ordinance approved by city council. Any funds raised by the reserve unit as a whole, or by an individual or group of reserve officers in the name of the city police department or reserve unit, and any gifts to the reserve unit shall be turned over to and become the property of the city, and the city shall use these funds and gifts in equipping the reserve unit. Items of equipment not provided by the city but necessary to the performance of the reserve officer's duty as determined by the chief of police shall be provided by the respective reserve office. All uniforms, badges and equipment carried or used by each reserve officer must be approved by the chief of police. (1991 Code, § 6-405)

6-406. Bonds. The city will provide the appropriate bond for all qualified reserve officers. (1991 Code, §6-406)

6-407. Duties and responsibilities. The duties and responsibilities of all reserve officers shall include but not be limited to the following as determined by the chief of police, and subject to the restrictions and limitations prescribed by the subsequent section:

1. Assisting full-time officers with patrol duties;
2. Assisting full-time officers with ballgames, parades, and similar type public functions involving the assembly of crowds; and
3. Such other law enforcement and public safety related duties as may be assigned by the chief of police. (1991 Code, § 6-407)

6-408. Restrictions and limitations. All reserve officers are subject to the following restrictions and limitations:

1. No reserve officer shall be activated for duty until they successfully complete the orientation training requirements.
(2) Reserve officers shall be activated for duty only by the chief of police, and shall not work more than twenty (20) hours per week, nor less than forty eight (48) hours per quarter, including training activities.

(3) While on patrol and similar type duties, reserve officers must work in the presence and under the supervision of a full-time certified officer.

(4) Reserve officers shall not carry a firearm while off duty unless specifically authorized to do so by the chief of police.

(5) Reserve officers are prohibited from driving patrol cars unless specifically authorized to do so by the chief of police.

(6) Reserve officers shall not engage in law enforcement activities while off duty, except in cases where a serious threat to life is probable.

(7) Reserve officers shall not work as security guards unless approved by the chief of police. (1991 Code, § 6-408, modified)

6-409. Supervision and control. Each reserve officer shall be under the direct supervision of their assigned on-duty full-time officer, and subject to the departmental chain of command. (1991 Code, § 6-409)

6-410. Tenure and compensation of members. The chief of police shall have the authority to recruit, select, suspend, or discharge any reserve officer when he deems it necessary for the good and/or the best interest of the police department, subject to approval by the city manager. Any reserve officer leaving the organized reserve unit, either voluntarily or involuntarily, shall immediately surrender to the chief of police his/her identification cards, badge, uniforms, and any and all equipment issued to the reserve officer by the city.

All reserve officers of the organized reserve unit shall receive such compensation as the city council may from time to time prescribe. (1991 Code, § 6-410)
TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER
1. FIRE CODE.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE CITY LIMITS.
4. FIRE HYDRANTS OUTSIDE CITY LIMITS.

CHAPTER 1

FIRE CODE\(^1\)

SECTION
7-102. Definition of "municipality."
7-103. Gasoline trucks.
7-104. Variances.
7-105. Violations and penalties.

7-101. **Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Uniform Fire Code (NFPA No.1), 2006 edition, as recommended by the National Fire Protection Association, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Uniform Fire Code has been filed with the city recorder and is available for public use and inspection. The Uniform Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1991 Code, 7-201, modified, as replaced by Ord. #7-5-8-4, June 2007)

7-102. **Definition of "municipality."** Whenever the word "municipality" is used in the uniform fire code herein adopted, it shall be held to mean the City of Kingston, Tennessee. (1991 Code, § 7-203, as replaced by Ord. #7-5-8-4, June 2007)

7-103. **Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at

\(^1\) Municipal code reference

Building, utility and housing codes: title 12.
any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline. (1991 Code, § 7-205, as replaced by Ord. #7-5-8-4, June 2007)

7-104. **Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the Uniform Fire Code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1991 Code, § 7-206, as replaced by Ord. #7-5-8-4, June 2007)

7-105. **Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Uniform Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (1991 Code, § 7-207, as replaced by Ord. #7-5-8-4, June 2007)
Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT¹

SECTION
7-201. Establishment, equipment, and membership.
7-203. Organization, rules, and regulations.
7-204. Records and reports.
7-205. Tenure and compensation of members.
7-206. Chief responsible for training and maintenance.
7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the city council. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, and any gifts to the volunteer fire department shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a paid chief appointed by the city manager, and such number of subordinate officers and firemen as the city council shall appoint. (1991 Code, § 7-301)

7-202. Objectives. The volunteer fire department shall have as its objectives:
(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property because of fires.
(3) To confine fires to their places of origin.
(4) To extinguish uncontrolled fires.
(5) To prevent loss of life from asphyxiation or drowning.
(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1991 Code, § 7-302)

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

¹Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.
volunteer fire department under such rules and regulations as the city council may prescribe. (1991 Code, § 7-303)

**7-204. Records and reports.** The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor or to the city council as they may require. (1991 Code, § 7-304)

**7-205. Tenure and compensation of members.** The fire chief shall have the authority to suspend or discharge any volunteer fireman when he deems such action to be necessary for the good of the department. The fire chief and full-time firemen may be suspended or discharged in accordance with the personnel policies of the city.

All personnel of the volunteer fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1991 Code, § 7-305)

**7-206. Chief responsible for training and maintenance.** The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city council. (1991 Code, § 7-306)

**7-207. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-17-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1991 Code, § 7-307)
CHAPTER 3

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION
7-301. Restrictions on fire service outside city limits.

7-301. Restrictions on fire service outside city limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the city council has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:


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\(^1\) Charter references

State law references

Tennessee Code Annotated, § 58-2-601, et seq., as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its
employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

1State law reference
Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with industrial fire departments, to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their city limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

2State law reference
Tennessee Code Annotated, § 12-9-101, et seq. is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds. (1991 Code, § 7-401)
CHAPTER 4
FIRE HYDRANTS OUTSIDE CITY LIMITS

SECTION
7-401. May be installed outside corporate limits.
7-402. Location, size and type of hydrant.
7-403. Use of water.
7-404. Maintenance responsibilities and charges.
7-405. Color coding.

7-401. **May be installed outside corporate limits.** The City of Kingston may allow fire hydrants to be installed outside the corporate limits where lines exist with adequate fire flow or where hydrants are color coded in accordance with the system detailed in this chapter. These fire hydrants will be installed at the expense of the customer and shall become the property of the City of Kingston. (1991 Code, § 7-501)

7-402. **Location, size and type of hydrant.** The location of fire hydrants outside the corporate limits shall be such that it is mutually agreeable to the city, the customer, and appropriate fire-fighting agencies. The size and type fire hydrant shall be determined by the city. (1991 Code, § 7-502)

7-403. **Use of water.** No person, other than authorized agents of the city, fire departments, or fire companies, shall take water from fire hydrants, outside the corporate limits without the consent of the city. Fire departments and/or other fire-fighting agencies shall, within three (3) days after the use of fire hydrants, submit a report to the city of the location of the fire hydrant used and the estimated gallons of water utilized. The city will bill the fire company for the estimated amount of water used.

No water shall be taken from fire hydrants outside the corporate limits for any use other than for fire-fighting purposes, except by city personnel, fire departments or other fire-fighting agencies. (1991 Code, § 7-503)

7-404. **Maintenance responsibilities and charges.** Fire hydrants outside the corporate limits will be maintained by the city, and the customer will be charged an annual amount per fire hydrant as set by the water board. (1991 Code, § 7-504)

7-405. **Color coding.** All fire hydrants shall be color coded to conform to the following system:

1. **Red** - fire hydrants with a flow which equals or exceeds five hundred (500) gallons per minute (gpm) at twenty (20) pounds residual pressure per square inch (psi); the use of pumper trucks is allowed.
(2) **Yellow** - fire hydrants with a capacity of less than five hundred (500) gallons per minute (gpm) at less than twenty (20) pounds residual pressure per square inch (psi); no pumper trucks may be used at these hydrants. (1991 Code, § 7-505)
TITLE 8
ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. LIQUOR STORES.
3. BEER.

CHAPTER 1
INTOXICATING LIQUORS

SECTION
8-101. Definition of "alcoholic beverages." As used in this chapter, unless the context indicates otherwise, "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent (5%) by weight or less. Products or beverages including beer containing less than one-half percent (1/2%) alcohol by volume, other than wine as defined by this chapter, shall not be considered alcoholic beverages and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (1991 Code, § 8-101)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Kingston, Tennessee. It is the intent of the city council that the said Tennessee Code Annotated, title 57, chapter 4,
8-2

inclusive, shall be effective in Kingston, Tennessee the same as if said code sections were copied herein verbatim. (1991 Code, §8-102)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Kingston General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Kingston alcoholic beverages for consumption on the premises where sold. (1991 Code, § 8-103)

8-104. Annual privilege tax to be paid to the city clerk. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Kingston shall remit annually to the city clerk the appropriate tax described in § 8-103 hereof. Such payment shall be remitted within thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (1991 Code, § 8-104)

8-105. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Kingston, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, not withstanding any other provision contained in the Kingston City Code, qualify to receive a beer permit from the city. (1991 Code, § 8-105)
CHAPTER 2

LIQUOR STORES

SECTION
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8-201. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise:

(1) "Applicant" means a person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

(2) "Applicant group" means more than one person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(3) "Application" means the form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

(4) "Alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent (5%) by weight or less. Products or
beverages including beer containing less than one-half percent (1/2%) alcohol by volume, other than wine as defined by this chapter, shall not be considered alcoholic beverages and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(5) "Certificate of compliance" means the certificate required in Tennessee Code Annotated, § 57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(6) "City" means the City of Kingston, Tennessee.

(7) "City council" means the governing body of the City of Kingston.

(8) "Co-licensees" means the persons who together hold a single local liquor store privilege license for a single liquor store.

(9) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.

(10) "Federal statutes" means the statutes of the United States now in effect or as they may hereafter be changed.

(11) "Inspection fee" means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross sales of a licensee at a liquor store. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(12) "Licensee" means the holder or holders of a local liquor store privilege license. In the event of co-licensees each person who receives a certificate of compliance and local liquor store privilege license shall be a licensee subject to the rules and regulations herein.

(13) "License fee" means the annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one license fee is required.

(14) "Liquor store" means the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(15) "Local liquor store privilege license" means a local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license. One (1) local liquor store privilege license is necessary for each liquor store to be operated in the city.

(16) "Manufactured" means a structure, transportable in one (1) or more sections, and which is built on a permanent chassis with or without permanent foundation.
(17) "Person" means any natural person as well as any corporation, limited liability company, partnership, firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(18) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter.

(19) "Retail sale" means a sale to a consumer or to any person for any purpose other than for resale.

(20) "State law, rules and regulations" means all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereafter be changed including, without limitation, the Local Option Liquor Rules and Regulations of the Tennessee Alcoholic Beverage Commission.

(21) "State liquor retailer's license" means a license issued by the Alcoholic Beverage Commission of the State of Tennessee pursuant to Tennessee Code Annotated § 57-3-201, et seq., permitting its holder to sell alcoholic beverages at retail in Tennessee.

(22) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(23) "Wine" means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes or other fruit, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume.

Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (1991 Code, § 8-201)

8-202. Selling and distributing generally. It shall be unlawful for any person to engage in the business of selling, possessing or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57 and by the rules and regulations promulgated thereunder and as provided under this chapter. Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (1991 Code, § 8-202)

8-203. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained. (1991 Code, § 8-203)

8-204. Incorporation of state law. Tennessee Code Annotated, title 57, chapter 3 is hereby adopted so as to be applicable to all sales of alcoholic
beverages conducted within the corporate limits of the City of Kingston. It is the intent of the city council that Tennessee Code Annotated, title 57, chapter 3 shall be effective in Kingston, Tennessee the same as if said code sections were copied herein verbatim. (1991 Code, § 8-204)

8-205. Licenses required for sale of alcoholic beverages at retail. It shall be lawful for a licensee to sell alcoholic beverages at retail in a liquor store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter, and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting him or her to sell alcoholic beverages at retail. Transfer of ownership or possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited. (1991 Code, § 8-205)

8-206. Licensee responsible for officers and agents. Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (1991 Code, § 8-206)

8-207. Maximum number of licenses authorized. There shall be no limit upon the number of state or local liquor retailers' licenses for the sale of alcoholic beverages at liquor stores within the City of Kingston. (1991 Code, § 8-207)

8-208. Location restrictions. It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Kingston unless at a location approved by the city. All such stores shall be located within the C-1, C-2, C-3 or C-4 zones as appears on the official zoning map of the City of Kingston on the date of application. In no event will a store be allowed within one hundred feet (100') of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the alcoholic beverage will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering. Provided, further, that no certificate of compliance shall be issued by the mayor and/or city council in any case until the location of said proposed liquor store has been approved by the city council. (1991 Code, § 8-208)

8-209. Limitations on building containing liquor store. All liquor stores shall be a permanent type of construction in a material and design
approved by city council. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night lights surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display area shall be one thousand eight hundred (1,800) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and, to the extent practical, to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, building, and city land development regulations unless specifically stated otherwise herein. No liquor store shall be located within five hundred feet (500') of any other liquor store in the City of Kingston. The distance shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the alcoholic beverage will be sold, manufactured or stored to the nearest point on the property line upon which sits the second building from which the alcoholic beverage will be sold, manufactured or stored. (1991 Code, § 8-209)

8-210. Restrictions generally. (1) Entertainment devices and seating forbidden. No form of entertainment, including pinball machines, music machines or similar devices, shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) Time and days of operation. No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before 8:00 A.M. or after 11:00 P.M. No liquor store shall be open for business on Christmas, Thanksgiving, New Year's Day, Labor Day or the Fourth of July.

(3) Selling or furnishing to minors, etc. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a minor below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a minor below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) Consumption on premises of liquor store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It
shall be unlawful for any person to consume any alcholic beverage in a liquor store or in the immediate vicinity of a liquor store.

(5) Advertising. There shall be no advertising signage of any kind whatsoever outside the building containing a liquor store, either for the liquor store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores, except as set forth herein. The provisions of the Kingston Zoning Regulations and any other city ordinances or regulations addressing signs shall not apply to liquor stores unless any specific restrictions on signs or advertising in the zone where a liquor store is located are more restrictive than the restrictions contained herein, in which case the more restrictive provision shall apply. There may be placed on the front of a liquor store, but not extending therefrom over twelve inches (12"), a sign setting out the name of the liquor store. One (1) free standing sign may also be located on the property where the liquor store is conducting business. Such signs shall not exceed sixty (60) square feet in dimension. No such sign shall contain letters of neon or tube lighting so as to produce lighting within the letters themselves, though signs lit by back lighting are permitted. No reader board or changeable copy signs shall be permitted. No off-premises signs shall be allowed within the city. Regarding signage inside a liquor store, no banner or temporary or permanent signage shall be placed so that it obstructs free and clear vision of the interior of the liquor store from outside the liquor store. One (1) grand opening event shall be permitted at the time a liquor store is first opened for business and for two (2) weeks thereafter where one (1) grand opening banner shall be allowed provided a sign permit for such banner is properly obtained from the city.

(6) Off-premises business. All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted nor shall there be permitted drive-in windows. No licensee shall employee any canvasser, agent, solicitor, or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer nor shall any licensee receive or accept any such order which shall have been solicited and received at the residence or place of business of such consumer. This paragraph shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises. (1991 Code, § 8-210, as amended by Ord. #8-12-9-1, Jan. 2009)

8-211. Fees. (1) Amounts generally. There is hereby levied on each licensee an inspection fee of five percent (5%) on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. Payment of the inspection fee by the collecting wholesaler or other source shall be made to the city clerk on or before the twentieth day of
each calendar month for all collections in the preceding calendar month. Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee and it shall be the licensee’s duty to see that the payment of the inspection fee for his or her liquor store is made to the city clerk on or before the twentieth day of each calendar month for the preceding month. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service in a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the city.

(3) Reports. The city clerk shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchases from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified above.

(4) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city manager, be cause for suspension of the offending licensee’s local liquor store privilege license for a much as thirty (30) days and, at the sole discretion of the city council, be cause for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal, the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(5) Use of fees. All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this chapter including, particularly, the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this chapter are observed. The city council finds and declares that the amount of these inspection fees is reasonable and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes. (1991 Code, § 8-211)

8-212. Records kept by licensee. In addition to any records specified in the state laws, rules and regulations, each licensee shall keep on file, at such licensee’s liquor store, the following records:
(1) The original invoices of all alcoholic beverages bought by the licensee;
(2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;
(3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and,
(4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved, and the name of the person or persons receiving the same.

All such records shall be preserved for a period of at least fifteen (15) months unless the city clerk gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one set of records per liquor store satisfies the requirements of this part. (1991 Code, § 8-212)

8-213. Inspections generally. The city manager, the city clerk, the chief of police or the authorized representatives or agents of any of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee. (1991 Code, § 8-213)

8-214. Certificate of compliance. As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, city council may authorize the issuance of certificates of compliance by the city according to the terms contained herein. (1991 Code, § 8-214)

8-215. Application. (1) Filing--content. An applicant or applicant group for a liquor store shall file with the city clerk a completed written application on a form to be provided by the city clerk which shall contain all of the following information and whatever additional information the city council or city manager may require:

(a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;

(b) The name of the liquor store proposed;
(c) The address of the liquor store proposed and its zoning designation;

(d) A statement that the persons receiving the requested license, to the best of their knowledge, if awarded the certificate of compliance, could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city; and

(e) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(f) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(2) Further documentation. The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with the same application and shall be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one inch equals twenty feet giving the following information:

(a) The shape, size and location of the lot on which the liquor store is to be operated under the license;

(b) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;

(c) The off-street parking space and off-street loading and unloading space to be provided, including the vehicular access to be provided from these areas to a public street; and,

(3) Signature. The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) Misrepresentation--concealment of fact--duty to amend. If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form, or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter
and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by city council. Further, no sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the city council.

(5) **Fees.** Each applicant shall be accompanied by a non-refundable three hundred dollar ($300.00) investigation fee. One (1) application fee per applicant group is sufficient. (1991 Code, § 8-215, as amended by Ord. #13-8-13-3, Sept. 2013)

8-216. **Consideration of application for certificate of compliance.** In issuing a certificate of compliance sufficient for the licensing of the liquor stores in the city permitted by this chapter, the city council will consider all applications filed with it after publication of notices published in a newspaper of general circulation in Roane County, Tennessee required by state law and/or applicable sign regulations. The city council will determine if the applicants have the qualifications required by state law. Applications and all matters submitted with or as a part of such applications become, at the time they are submitted, the sole and exclusive property of the city and constitute public records open to public inspection. (1991 Code, § 8-216)

8-217. **Restrictions upon issuance of certificate of compliance.**

1) **No violation of chapter.** No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

2) **Time period for action.** Any applicant or applicant group who has obtained a certificate of compliance as provided herein must, unless an extension is granted by city council, within one hundred twenty (120) days open a liquor store in the city or said certificate of compliance will be revoked by the passage of this amount of time and a certification thereof will be sent to the Alcoholic Beverage Commission of the State of Tennessee and the local liquor store privilege license issued pursuant to such application shall be considered canceled and revoked. (1991 Code, § 8-217)

8-218. **Local liquor store privilege license from city to operate liquor store.** After an applicant or applicant group receives a license from the State of Tennessee to operate a retail liquor store pursuant to Tennessee Code Annotated, §§ 57-3-101 et seq., he or she shall apply to the city clerk for a local liquor store privilege license to operate a retail liquor store pursuant to the following terms, conditions and restrictions set out in §§ 8-219 and 8-220 hereof. (1991 Code, § 8-218)
8-219. Restrictions on local liquor store privilege licenses.

(1) Term renewal. Each license shall expire on December 31st of each year. A license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state laws, rules and regulations and the provisions of this chapter.

(2) Display. A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee.

(3) Transfer. A licensee or co-licensee shall not sell, assign or transfer his license or any interest therein to any other person. No license shall be transferred from one location to another location without the express permission of city council.

(4) Fees. A license fee of five hundred dollars ($500.00) is due at the time of application for a license. A license fee of one hundred dollars ($100.00) is due annually, prior to January 1 of each calendar year, thereafter. The initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city clerk before any license shall issue. (1991 Code, § 8-219, as amended by Ord. #8-12-9-2, Jan. 2009)

8-220. Restrictions upon licensees and employees.

(1) Initial qualifications. To be eligible to apply for or to receive a license, an applicant, or in the case of an applicant group each member of the applicant group, must satisfy all of the requirements of the state statutes and of the state laws, rules and regulations for the holder of a state liquor retailer's license.

(2) Public officers and employees. No license shall be issued to a person who is a holder of a public office, either appointed or elected, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such liquor store either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply, however, to uncompensated, appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.

(3) Felons. No licensee who has been convicted of a felony within ten (10) years prior to the time he or she or the legal entity to which he or she is connected shall receive a license, provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is connected shall immediately
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discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.

(4) **Employee felons.** No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who, within ten (10) years prior to the date of his or her employment, shall have been convicted of a felony. In the case that an employee is convicted of a felony while he is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(5) **Liquor offenses.** No license shall be issued to any person who, within ten (10) years preceding application for license or permit, shall have been convicted of any offense under the laws of this state or any state or of the United States regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of intoxicating liquors or beer who has, during such period, been engaged in business, alone or with others, in violation of any such laws or rules and regulations.

(6) **Disclosure of interest.** It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is acquired after the issuance of a license unless it be fully disclosed to the city manager and approved by him or her in a timely manner.

(7) **Age.** No licensee shall be a person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his place of business to engage in the storage, sale or distribution of alcoholic beverages.

(8) **Interest in only one liquor store.** A person shall have an interest, either direct or indirect, in no more than one (1) liquor store licensed under this chapter in the City of Kingston. (1991 Code, § 8-220, as amended by Ord. #11-10-11-3, Nov. 2011)

8-221. **Nature of license; suspension or revocation.** The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by city council for any violation of this chapter by the licensee or by any person whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the city council suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this chapter by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city manager may immediately suspend the license for a period not to exceed sixty (60) days
and the city council may revoke the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations. (1991 Code, § 8-221)

8-222. Violations—penalties. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of not less than fifty dollars ($50.00). Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions Tennessee Code Annotated, chapter 3, title 57, and the rules and regulations of said commission. (1991 Code, § 8-222)
CHAPTER 3

BEER¹

SECTION

8-301. Beer board established.
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8-318. Responsibilities of permittee.
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8-322. Concurrent sales of liquor by the drink and beer.
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8-301. Beer board established. There is hereby established a beer board to be composed of all the members of the city council. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (1991 Code, § 8-301)

¹Municipal code reference
   Public drunkenness, minors in beer places, etc.: title 11, chapter 2.
   Tax provisions: title 5.
State law reference
   For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982)
8-302. **Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings following each regular meeting of the city council. An adjourned or special meeting of the beer board may be called by its chairman provided reasonable notice thereof is given to each member of the board and there is a reasonable and just cause for such an additional session. Reasonable public notice shall likewise be given for any adjourned or special meeting. Whenever there is an application for a tavern permit, at least ten (10) days notice of the time and place of the beer board meeting shall be given by at least one publication in a newspaper of general circulation. (1991 Code, § 8-302)

8-303. **Record of beer board proceedings to be kept.** The city clerk shall be required to attend and to make separate record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the contents of each beer permit issued by the board. (1991 Code, § 8-303)

8-304. **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. However, when a quorum is present the affirmative vote of only a simple majority of the members voting shall be required for affirmative action by the board. (1991 Code, § 8-304)

8-305. **Powers and duties of the beer board.** The beer board is hereby vested with all authority and power to administer the provisions of this chapter and Tennessee Code Annotated, to include the making of regulations, the taking of any action, not inconsistent with this chapter or the Tennessee Code Annotated, for clarifying, interpreting, carrying out, and enforcing the terms of this chapter and for ensuring the proper and orderly conduct of business permittees, including regulating the selling, storing, distributing and manufacturing of beer within the City of Kingston and the issuance and revocation or suspension of licenses issued pursuant to this chapter. (1991 Code, § 8-305)

8-306. **"Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1991 Code, § 8-306)

8-307. **Permit required for engaging in beer business.** It shall be unlawful for any person or legal entity regardless of its form of existence, i.e.,
corporation, limited liability company, partnership, etc., to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall authorize and furnish and shall be filed in the city manager's office, accompanied by a non-refundable application fee of two hundred and fifty dollars ($250.00). Said fee shall be in the form of a cashier's check payable to the City of Kingston. Each applicant, or if an entity, each person with an ownership interest in the entity, must be a person of good moral character and must certify that no applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or any crime involving moral turpitude within the past ten (10) years. Further, the applicant must certify that each applicant has read and is familiar with the provisions of this chapter. Upon receipt of the notarized application, the city manager's office will schedule the presentation of the application of the beer board and will notify the applicant of the date and time of such meeting. (1991 Code, § 8-307)

8-308. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by permit or license. It shall likewise be unlawful for the permittee not to comply with any and all express restrictions or conditions which may be written into the permit or license by the beer board. (1991 Code, § 8-308)

8-309. Number and classification of beer permits. The number of beer permits permitted in the City of Kingston, Tennessee, and the classification thereof are as follows:

(1) Restaurants. There shall be no limitation on the number of beer permits issued to restaurants. To qualify for a restaurant permit, an establishment must, in addition to meeting the other regulations and restrictions of this chapter:
   (a) Be primarily a restaurant or an eating place; and,
   (b) Be able to provide indoor seating for a minimum of thirty (30) people, including children, in booths and at tables, in addition to any other seating it may have.

In addition, the monthly beer sales of any establishment which holds a restaurant license shall not exceed fifty percent (50%) of the gross sales of the establishment. Any such establishment which, for two consecutive months, or for any three months in any calendar year, has beer sales exceeding fifty percent (50%) of its gross sales shall have its beer permit revoked.
(2) Grocery (food) stores and convenience stores. There shall be no limitation on the number of beer permits issued to grocery (food) stores and convenience stores. To qualify for a grocery (food) store or convenience store off-premises permit, an establishment must, in addition to meeting the other regulations and restrictions of this chapter:
  (a) Be a grocery (food) store or a convenience-type market; and,
  (b) In either case, be primarily engaged in the sale of grocery, personal, home care and cleaning articles, but may also sell gasoline; and,
  (c) Commence operations within one year of the issuance of the permit.

In addition, the monthly beer sales of any establishment which holds a grocery (food) store or convenience store off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment. Any establishment which, for two consecutive months, or for any three months in any calendar year, has beer sales exceeding twenty-five percent (25%) of its gross sales shall have its beer permit revoked.

(3) Taverns. There shall be no more than two (2) beer permits issued to taverns. Beer may be sold in this establishment, whether or not meals are served, for consumption on the premises.

(4) Package beer stores (off premises). There shall be no limitation on the number of beer permits issued to package beer stores. These are establishments where beer is sold to be consumed off the premises. Beer shall not be consumed on the premises of these establishments.

(5) Wholesaler/distribution (off premises). Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer shall not be sold or consumed on the wholesaler's premises.

(6) Caterers. There shall be no limitation on the number of beer permits issued to caterers. To qualify for a caterer permit, in addition to meeting the other regulations and restrictions of this chapter, the following shall apply:
  (a) The permittee operates a permanent catering hall on an exclusive basis;
  (b) The permittee has a complete and adequate kitchen facility; and,
  (c) The permittee is licensed as a caterer by the Tennessee Department of Health.

The permit shall authorize the caterer to sell beer on the premises of the caterer and at such other sites as the caterer has given advanced notice to the Kingston Beer Board through the city manager for the City of Kingston, Tennessee. With such notice, a special permit will be issued for purposes of serving beer at the off-premises site. The permit shall not authorize and the caterer shall not sell beer at a site within three hundred feet (300') of a building from which there must be a minimum distance as provided elsewhere herein. In all cases, beer may be sold for consumption only at the permanent catering
hall of the caterer or at the site for which the caterer has given advanced notice to the Kingston Beer Board.

(7) **Golf course.** There shall be no limitation on the number of beer permits issued to golf courses. Beer may be sold for consumption on the premises only with the premises defined as any clubhouse, pro shop, restaurant, or the playing course itself. No consumption shall be permitted in or on the parking lot.

Each permit hereunder issued shall specify the classification of permit along with the kind of establishment as herein set forth. No beer sales other than the class designated shall be permitted except as stated herein, i.e., at establishments with permits allowing on-premises consumption, it will be legal for beer to be consumed on the premises only. No beer shall be sold for off-premises consumption by these establishments. Likewise, no on-premises consumption will be legal where the establishment has been granted an off-premises permit. If the character of the establishment changes from the classification originally issued, the permittee will be required to obtain a new permit to conform to the type of establishment being operated by the permittee. All beer permits now issued and outstanding will be classified and placed in its appropriate category and the holders of said beer permits shall be so notified, along with a copy of this chapter. (1991 Code, § 8-309)

**8-310. 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 hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. Except as set out herein, no permit shall be issued authorizing the sale of beer by permit holders within two hundred fifty feet (250') of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering. The above minimum distance requirement shall not apply to the sale of beer by permit holders operating a restaurant where such permit holder also possesses a valid state liquor license. (1991 Code, § 8-311)

**8-311. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1991 Code, § 8-312)
8-312. Prohibited conduct or activities by beer permit holders, agents, servants, employees or other persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, agent, servant, employee or other person working in an establishment that is permitted to sale beer to:

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

2. Allow any person or legal entity regardless of its form of existence, i.e., corporation, limited liability company, partnership, etc., to offer for sale or sell beer or other alcoholic beverage with an alcoholic content not exceeding five percent (5%) by weight within the corporate limits of Kingston, Tennessee between the hours of 3:00 A.M. and 8:00 A.M. on weekdays and between the hours of 3:00 A.M. and 12:00 noon on Sunday. No such beverages shall be consumed or opened for consumption or about any premises where beer or other beverage with an alcoholic content not exceeding five percent (5%) of weight is sold within the corporate limits of Kingston, Tennessee in either bottle, glass or other container after 3:15 A.M.

3. Deliver beer to any purchaser or purchasers except during those hours set out in this chapter.

4. Sell intoxicating liquor as defined in this title, except in establishments that have a state-issued "liquor by the drink" license.

5. Allow the possession of beer by any person, including permitted, within the permittee's place of business at a time when beer may not be legally sold. Such possession shall constitute evidence of an illegal sale.

6. Allow any loud, unusual or obnoxious noises to emanate from the premises.

7. Make or allow any sale of beer to a minor under the age of twenty-one (21) years.

8. Allow any minor under twenty-one (21) years of age to loiter in or about the place of business. The term "loitering" within the meaning of this section shall mean "to be dilatory, to be slow in movement, to stand around, to spend time idly, to saunter, to delay, to idle, to linger, to lag behind." However, nothing in this section shall prohibit persons under the age of twenty-one (21) from dining in establishments which have a beer permit but whose exclusive or primary business is the sale of food. Such establishments shall insure that all containers of alcoholic beverages, both open and closed, are not provided by customers, patrons, or any other persons, to persons under the age of twenty-one (21); shall immediately remove empty and partially empty containers of alcoholic beverages from the tables where persons under the age of twenty-one (21) are seated unless accompanied by a parent or guardian; and shall store all alcoholic beverages behind the bar or other proper storage place not ordinarily accessible to customers or patrons.

9. Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

10. Allow drunk or disreputable persons to loiter about the premises.
(11) Allow patrons to remain in the permittee's place of business longer than thirty (30) minutes past the time the permittee closes the place of business to the public.

(12) Allow any person who holds a permit to fail to continuously operate the business and if any permittee fails or refuses to, either voluntarily or involuntarily, carry on his business for a period of thirty (30) days, then said permit shall be revoked.

(13) With the exception of a beer license classified as a "restaurant," allow pool or billiard playing will not be permitted in the same room where beer is sold and/or consumed.

(14) Fail to provide and maintain separate sanitary toilet facilities for men and women at locations for consumption on premises.

(15) Proper and prominent signs will be displayed stating there shall be no form of gambling on or about the permittee's place of business.

(16) Sell beer at places where dancing is allowed, except:

No beer shall be sold on-premises, upon any part of which dancing is allowed, unless the cleared area provided for dancing shall contain at least one hundred forty-four (144) square feet of floor space. In computing the cleared area of floor space, only the compact floor area used primarily for dancing shall be counted. No area upon which counters, tables, chairs or obstructions are located and no aisles used primarily for providing access to tables shall be included for computing such cleared floor space. No beer shall be sold on premises where exotic dancing or other sex oriented entertainment is permitted or provided by the permittee.

(1991 Code, § 8-313, as amended by Ord. #7-7-10-2, Aug. 2007)

8-313. Revocation of beer permits. The beer board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the license or permit holder or any agent, servant or employee of the permittee is guilty of violating

(1) Any of the provisions of this chapter;

(2) Any of the municipal codes of the City of Kingston addressing the sale, manufacture, storage or distribution of beer, wine, liquor or any other alcoholic beverage; or

(3) Any state law regarding the sale, manufacture, storage or distribution of beer, wine, liquor or any other alcoholic beverage. The beer board, in its discretion, may revoke any beer permit issued for due cause not specified herein. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after at least ten (10) days notice to all the parties in interest. Suspension or revocation proceedings may be initiated by the city manager or by any reputable resident upon the filing of an application with the beer board requesting such action.
In the event a permit holder surrenders his license to sell beer, said surrender will become effective when formal action of the beer board is taken. Provided, however, the surrender of a permit or license shall not operate to prevent the beer board from revoking the permit or license for violation of this chapter or applicable state law occurring before such surrender.

Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date the revocation becomes final.

No new permit shall be granted at any location where a case is pending in court for an infraction of the beer laws of the State of Tennessee or the City of Kingston.

(4) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (1991 Code, § 8-314, as amended by Ord. #7-7-10-2, Aug. 2007)

8-314. Limitation on reissue of permits for same location. Where a permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises until after the expiration of one year from the date the revocation became final and effective. (1991 Code, § 8-315)

8-315. Industry interest in permit prohibited. No permit shall be issued when a brewer, manufacturer, distributor or warehouseman of legal beer has any interest in the business, financial or otherwise, or in the premises upon which the sale of beer is to be carried out. (Ord. approved 6-19-84, as renumbered by Ord. #5-1-4, Feb. 2005, 1991 Code, § 8-316)

8-316. Privilege tax. There is hereby imposed on the business selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars ($100.00). To sustain a valid permit, any permittee shall remit the tax the 1st day of January of each year thereafter to the City of Kingston, Tennessee. At the time a new permit is issued to any business subject to this
tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1991 Code, § 8-317)

8-317. Civil penalty in lieu of revocation or suspension.
   (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.
   (2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars ($1,000.00) for any other offense.
   The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.
   If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.
   Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1991 Code, § 8-318, as replaced by Ord. #7-7-10-2, Aug. 2007)

8-318. Responsibilities of permittee. Each permittee must furnish the chief of police with a list of the names, date of birth, and social security number of all persons to be employed in the place where beer is to be sold and must inform the chief of police within seventy-two (72) hours of employment as to the names, date of birth, and social security number of any persons employed after such list has been originally submitted. The list will be maintained by the police department at city hall. Employee shall be defined in this chapter as any person engaged in the operations of the business on a regular basis or who receives compensation from the business. Permittee shall be deemed responsible for the actions of all employees or agents in regard to state and local legislation related to beer and a violation thereof by an employee or agent shall subject the permittee to appropriate sanction, including revocation or suspension of any license. Prior to January 1 of each year, it is the responsibility of permittee to pick up copies of any new legislation regulating the sale of beer. It is also the responsibility of the permittee to immediately notify
8-319. Employees required to have identification and proof of employment. Every employee employed by an establishment licensed under this chapter shall be required to have on his or her person at all times while upon the premises bona fide identification with his or her name, birth date, age, and description, and written proof of present employment furnished by the employer. Upon demand by any law enforcement officer, any and every employee shall be required to immediately produce such identification and proof of employment at any time the employee in question is on or about the premises. (1991 Code, § 8-320)

8-320. Possession or consumption of alcoholic beverages, wine, and/or beer on certain property prohibited. It shall be unlawful for any person to possess an opened container of any alcoholic beverage, wine, and/or beer or to consume any alcoholic beverage, wine, and/or beer on the premises of any retail beer sales outlet which does not have an on-premises permit; and it shall be unlawful to possess an opened container of any alcoholic beverage, wine, and/or beer or to consume any alcoholic beverage, wine, and/or beer on any public street, sidewalk, playground, park, school property or public parking lot within the municipal limits of the City of Kingston. It shall also be unlawful to possess an opened container of any alcoholic beverage, wine, and/or beer or to consume any alcoholic beverage, wine, and/or beer on any privately owned parking lot held open by the owners for use by the public where twenty (20) or more vehicles may be parked. (1991 Code, § 8-321)

8-321. Sign restriction. No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property on which a retail beer establishment is located other than one sign, advertisement or display which makes reference to the fact that the establishment sells beer but does not use brand names, pictures, numbers, prices or diagrams relating to beer. Notwithstanding the above, for restaurant beer permit holders there shall be no sign, advertisement or display which indicates that beer may be purchased at the premises erected or maintained on the exterior of the premises or interior of the premises visible from the exterior. Beer and its containers located at or upon a bar within the premises shall not violate this provision provided the bar is located no closer than twenty feet (20') from any window facing a public street. (1991 Code, § 8-323)

8-322. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell liquor in the City of Kingston, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, not withstanding any other
provision contained in the Kingston City Code, qualify to receive a beer permit from the city. (1991 Code, § 8-323)

8-323. **Loss of clerk's certification for sale to minor.** If the beer board determines that a clerk of an off-premises beer permit holder certified under *Tennessee Code Annotated*, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #7-7-10-2, Aug. 2007)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER
1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS, ETC.
3. TAXICABS.
4. CABLE TELEVISION.
5. FAIR HOUSING.
6. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1

MISCELLANEOUS

SECTION
9-102. Fortune tellers, etc.
9-103. Other recreational activities and amusements.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1991 Code, § 9-101)

9-102. Fortune tellers, etc. It shall be unlawful for any person to engage in the occupation, trade, business or profession of a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist or other such mystic for the purpose of disclosing the past or foretelling the future of any person or thing. (1991 Code, § 9-102)

¹Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise regulations: title 11.
Privilege taxes: title 5.
9-103. **Other recreational activities and amusements.** It shall be unlawful for any person to open, maintain, conduct, or operate, or permit to be opened, maintained, conducted, or operated any place or establishment for recreational or amusement activities for the public within the corporate limits at anytime on Sunday or between the hours of 12:00 midnight and 6:00 A.M. on other days without obtaining from the city council a permit. Applications for such permits shall be made to the city manager ten (10) days in advance of the council meeting at which they are acted on containing sufficient information and details to allow for a thorough investigation of the place, activity, and personnel involved. (1991 Code, § 9-103)
CHAPTER 2
PEDDLERS, SOLICITORS, ETC.¹

SECTION
9-201. Definitions.
9-203. Permit required.
9-204. Permit procedure.
9-205. Restrictions on peddlers, street barkers and solicitors.
9-207. Display of permit.
9-208. Suspension or revocation of permit.
9-209. Expiration and renewal of permit.
9-210. Violation and penalty.

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars ($10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

¹Municipal code references
   Privilege taxes: title 5.
   Trespass by peddlers, etc.: § 11-401.
(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.
(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.
(c) Has been in continued existence as a charitable or religious organization in Roane County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to

\[\text{1State law reference}
\text{Tennessee Code Annotated, § 62-30-101, et seq. contains permit requirements for "transitory vendors."}
\]

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 67-4-709(a)(19). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of $50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).
sitting or offering to sell novelty items and similar goods in the area of the festival or parade. (1991 Code, § 9-201)

9-202. Exemptions. The terms of this chapter shall neither apply 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 persons selling agricultural products, who, in fact, themselves produced the products being sold. (1991 Code, § 9-202)

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (1991 Code, § 9-203)

9-204. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city manager by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.
(b) A brief description of the type of business and the goods to be sold.
(c) The dates for which the applicant intends to do business or make solicitations.
(d) The names and permanent addresses of each person who will make sales or solicitations within the city.
(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.
(f) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars ($20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the manager shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city manager, the city manager
shall submit to the chief of police a copy of the application form and the permit. (1991 Code, § 9-204)

9-205. **Restrictions on peddlers, street barkers and solicitors.** No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Be permitted to set up a "road block" for more than a five (5) hour interval and be allowed to hold more than one permit at any given time, with a maximum of one permit to be issued bi-monthly on a first come-first served basis, limiting road block solicitations to an annual total of six (6).

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

(6) Be permitted to use workers under the age of eighteen (18) years of age.

(7) Place a proper form of notification at each road block location to warn motorist of "Road Block Ahead," and provide a flyer to each contributor. (1991 Code, § 9-205)

9-206. **Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (1991 Code, § 9-206)

9-207. **Display of permit.** Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (1991 Code, § 9-207)
9-208. **Suspension or revocation of permit.** (1) Suspension by the manager. The permit issued to any person or organization under this chapter may be suspended or denied future permits by the city manager for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(c) Excessive complaints from the public.

(2) Suspension or revocation by the city council. The permit issued to any person or organization under this chapter may be suspended or revoked by the city council, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city manager in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder 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. (1991 Code, § 9-208)

9-209. **Expiration and renewal of permit.** The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (1991 Code, § 9-209)

9-210. **Violation and penalty.** In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances. (1991 Code, § 9-210)
CHAPTER 3

TAXICABS

SECTION

9-301. Taxicab franchise and privilege license required.
9-302. Requirements as to application and hearing.
9-303. Liability insurance required.
9-304. Revocation or suspension of franchise.
9-305. Mechanical condition of vehicles.
9-308. License and permit required for drivers.
9-309. Qualifications for driver's permit.
9-310. Revocation or suspension of driver's permit.
9-311. Drivers not to solicit business.
9-312. Parking restricted.
9-313. Drivers to use direct routes.
9-314. Taxicabs not to be used for illegal purposes.
9-315. Miscellaneous prohibited conduct by drivers.
9-316. Transportation of more than one passenger at the same time.

9-301. **Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license. (1991 Code, § 9-301)

9-302. **Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other relative information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the city council; and make a recommendation
to either grant or refuse a franchise to the applicant. The city council shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the city council shall consider the public need for additional service, and the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1991 Code, § 9-302)

9-303. **Liability insurance required.** No taxicab franchise shall be issued or continue in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of one hundred thirty thousand dollars ($130,000.00) for bodily injury or death to any one (1) person, three hundred fifty thousand dollars ($350,000.00) for bodily injuries or death to more than one (1) person which are sustained in the same accident, and fifty thousand dollars ($50,000.00) for property damage resulting from any one (1) accident. The required insurance shall inure to the benefit of the city and any person who shall be injured or killed or who shall sustain damage to property proximately caused by the negligence of a taxicab owner, operator, or driver. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days written notice is given by the insurer to both the insured and the city. (1991 Code, § 9-303)

9-304. **Revocation or suspension of franchise.** The city council, after a public hearing, may revoke or suspend any taxicab franchise for repeated violations of this chapter or of the traffic laws of the city by the taxicab owner or any driver. (1991 Code, § 9-304)

9-305. **Mechanical condition of vehicles.** It shall be unlawful for any person to operate taxicabs in the city unless it is equipped with four (4) wheel brakes, front and rear light, safe tires, horn, muffler, windshield wiper, and rear vision mirror, all of which shall conform to the requirement of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1991 Code, § 9-305)

9-306. **Cleanliness of vehicles.** All taxicabs operated in the city, shall, at all time, be kept in a reasonably clean and sanitary condition. They shall be
thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1991 Code, § 9-306)

9-307. **Inspection of vehicles.** All taxicabs shall be inspected at least semi-annually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1991 Code, § 9-307)

9-308. **License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1991 Code, § 9-308)

9-309. **Qualifications for driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

1. Makes written application to the chief of police.
2. Is at least eighteen (18) years of age and holds a state special chauffeur's license.
3. Undergoes an examination by a physician and is found to be of sound physique, with good eyesight, hearing, and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
4. Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
5. Produces affidavits of good character from two (2) reputable citizens of the city who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
6. Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.

9-310. **Revocation or suspension of driver's permit.** The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for a violation of this chapter or for repeated violations of the traffic laws of the city. (1991 Code, § 9-310)

9-311. **Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1991 Code, § 9-311)
9-312. **Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the city for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1991 Code, § 9-312)

9-313. **Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1991 Code, § 9-313)

9-314. **Taxicabs not to be used for illegal purposes.** No taxicab shall be used for or in the commission of any illegal act, business or purpose. (1991 Code, § 9-314)

9-315. **Miscellaneous prohibited conduct by drivers.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the city in any way. (1991 Code, § 9-315)

9-316. **Transportation of more than one passenger at the same time.** No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1991 Code, § 9-316)
CHAPTER 4
CABLE TELEVISION

SECTION

9-401. To be furnished under franchise.

9-401. To be furnished under franchise. Cable television shall be furnished to the City of Kingston and its inhabitants under franchise granted by the city council of the City of Kingston, Tennessee. The rights, powers, duties and obligations of the City of Kingston and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹ (1991 Code, § 9-401, modified)

¹For complete details relating to the cable television franchise agreement see ordinance no. 89-3-14-1 dated 3/14/89 in the office of the city manager.

See also ordinance No. 93-9-13-2, dated October 12, 1993, in the office of the city manager.
CHAPTER 5

FAIR HOUSING

SECTION
9-502. Purposes of law, construction; effect.
9-503. Unlawful housing practices.
9-504. Blockbusting.
9-505. Exemptions from housing provisions.
9-507. Agency no defense in proceeding against real estate dealer.
9-508. Establishment of procedures for conciliation.
9-509. Investigations, powers, records.
9-510. Conspiracy to violate this chapter unlawful.

9-501. Definitions. (1) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin or sex, or the aiding, abetting, inciting, coercing or compelling thereof.

(2) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(3) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

(4) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(5) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary

Municipal code reference
Building, utility and housing codes: title 12.
or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.  (1991 Code, § 9-501)

9-502. Purposes of law, construction; effect. The general purposes of this chapter are:
(1) To provide for execution within the City of Kingston of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.
(2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.  (1991 Code, § 9-502)

9-503. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:
(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin or sex;
(2) To discriminate against an individual because of his or her race, color, religion, national origin or sex in the terms, conditions, or privileges of this sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;
(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin or sex;
(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race color, religion, national origin or sex;
(5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin or sex;
(6) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin or sex or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishings of facilities or services in connection therewith because of race, color, religion, national origin or sex; or

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin or sex. (1991 Code, § 9-503)

9-504. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1991 Code, § 9-504)

9-505. Exemptions from housing provisions. (1) Nothing in § 9-703 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations.

(b) To the rental of one (1) room or one (1) rooming unit in a housing accommodation by an individual if he or a member of his family resides therein.

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving
preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1991 Code, § 9-505)

9-506. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of fifty dollars ($50.00) to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed one thousand dollars ($1,000.00).

(2) The city may sue in a civil act through any court for appropriate remedies to enforce the provisions of this chapter including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall constitute a misdemeanor punishable as provided by law. (1991 Code, § 9-506)

9-507. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1991 Code, § 9-507)

9-508. Establishment of procedures for conciliation. (1) The city shall designate an agent to investigate, make determinations of probable cause, and seek to conciliate apparent violation of this ordinance. Conciliation efforts may be initiated by any person said to be subject to discrimination as defined in this chapter.

(2) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1991 Code, § 9-508)

9-509. Investigations, powers, records. (1) In connection with an investigation of a compliant filed with the city manager under this chapter, the enforcing agent at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.
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(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the city council for an exemption from the application of the regulational order. If the council finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (1991 Code, § 9-509)

9-510. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any other issued thereunder; or

(4) To resist, prevent, impede, or interfere with the enforcing agent, city council, or any of its members or representatives in the lawful performance of duty under the chapter. (1991 Code, § 9-510)
CHAPTER 6

ADULT-ORIENTED ESTABLISHMENTS

SECTION

9-601. Purpose.

9-602. Definitions.

9-603. Location of adult-oriented establishment.

9-604. License required.

9-605. Application for license.

9-606. Standards for issuance of license.

9-607. Permit required.

9-608. Application for permit.

9-609. Standards for issuance of permit.

9-610. Fees.

9-611. Display of license or permit.

9-612. Renewal of license or permit.

9-613. Revocation of license or permit.

9-614. Hours of operation.

9-615. Responsibility of the operator.

9-616. Prohibitions and unlawful sexual acts.

9-617. Penalties and prosecution.

9-618. Severability.

9-601. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. It is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. (Ord.#8-6-10-4, July 2008)

9-602. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments" or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the
purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment having as a substantial portion of its stock in trade ("substantial portion" meaning over twenty percent (20%) of floor area, or over twenty percent (20%) of inventory by units or value, or over twenty percent (20%) of revenues, or an inventory of two hundred (200) or more units) in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "City council" means the City Council of the City of Kingston, Tennessee.
(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Adult-entertainment" means any exhibition of any adult-oriented motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:
   (a) Human genitals in a state of actual or simulated sexual stimulation or arousal;
   (b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;
   (c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:
   (a) Less than completely and opaquely covered:
      (i) Human genitals, pubic region;
      (ii) Buttocks;
      (iii) Female breasts below a point immediately above the top of the areola; and
   (b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered. (Ord. #8-6-10-4, July 2008)

9-603. Location of adult-oriented establishment. An adult-oriented establishment must be located within the C-1, C-2, or C-3 zones as appears on the official zoning map of the City of Kingston but in no event will an adult-oriented establishment be allowed within seven hundred and fifty feet (750') of any R-I or R-2 residential district or C-4, controlled commercial district, any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from where the adult-oriented establishment is
located to the nearest point on the property line of the hospital, school, church or other place of public gathering.

The application for a license shall be accompanied by a scale plan drawn to a scale of not less than one inch (1") equals twenty feet (20') giving the following information:

1. The shape, size and location of the lot on which the adult-oriented establishment is to be operated under the license;
2. The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;
3. The off-street parking space and off-street loading and unloading space to be provided, including the vehicular access to be provided from these areas to a public street; and,
4. The identification of every parcel of land within seven hundred fifty feet (750') of the lot upon which the adult-oriented establishment is to be operated indicating ownership thereof and the location of any structures thereon and the use being made of every such parcel. (Ord. #8-6-10-4, July 2008)

9-604. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Kingston without first obtaining a license to operate issued by the City of Kingston.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. (Ord. #8-6-10-4, July 2008)

9-605. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the City of Kingston. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city clerk and to the applicant.
(2) The application for a license shall be upon a form provided by the police chief. An applicant for a license, including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company), shall furnish the following information under oath:

(a) Name and addresses, including all aliases.
(b) Written proof that the individual(s) is at least eighteen (18) years of age.
(c) All residential addresses of the applicant(s) for the past three (3) years.
(d) The applicants' height, weight, color of eyes and hair.
(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.
(f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
(g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2"x2") of each applicant.
(i) The address of the adult-oriented establishment to be operated by the applicant(s).
(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.
(k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
(l) The length of time each applicant has been a resident of the City of Kingston, or its environs, immediately preceding the date of the application.
(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.
(n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address telephone number, and representative’s name.

(p) Evidence in form deemed sufficient to the city manager that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Kingston Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the city council.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the city council at which time the applicant may present evidence as to why his/her license should not be denied. The city council shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the city council and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Roane County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the police chief. (Ord. #8-6-10-4, July 2008)
9-606. **Standards for issuance of license.** (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:
   (i) The applicant shall be at least eighteen (18) years of age.
   (ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
   (iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:
   (i) All officers, directors and stockholders required to be named under § 9-605 shall be at least eighteen (18) years of age.
   (ii) No officer, director or stockholder required to be named under § 9-605 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:
   (i) All persons having a financial interest in the partnership, joint venture or other type of organization, shall be at least eighteen (18) years of age.
   (ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
   (iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Kingston Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application. (Ord. #8-6-10-4, July 2008)

9-607. **Permit required.** In addition to the license requirements previously set forth for owners and operators of adult-oriented establishments,
no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief. (Ord. #8-6-10-4, July 2008)

9-608. Application for permit. (1) Any person desiring to secure an permit as an employee or entertainer shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city clerk and to the applicant.

(2) The application for a permit shall be upon a form provided by the police chief. An applicant for a permit shall furnish the following information under oath:

(a) Name and address, including all aliases.
(b) Written proof that the individual is at least eighteen (18) years of age.
(c) All residential addresses of the applicant for the past three (3) years.
(d) The applicant's height, weight, color of eyes, and hair.
(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.
(g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2"x2") of the applicant.
(i) The length of time the applicant has been a resident of the City of Kingston, or its environs, immediately preceding the date of the application.
(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Kingston Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.
(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the city council at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief.  (Ord. #8-6-10-4, July 2008)

9-609. Standards for issuance of permit. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:
   (a) The applicant shall be at least eighteen (18) years of age.
   (b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.
   (c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Kingston Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application.  (Ord. #8-6-10-4, July 2008)

9-610. Fees. (1) A license fee of five hundred dollars ($500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars ($100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned.  (Ord. #8-6-10-4, July 2008)

9-611. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Kingston Police Department, or any person designated by the city council.  (Ord. #8-6-10-4, July 2008)
9-612. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city clerk and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(2) A license renewal fee of five hundred dollars ($500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars ($100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

(3) If the Kingston Police Department is aware of any information bearing on the operator’s qualifications, that information shall be filed in writing with the police chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city clerk and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(5) A permit renewal fee of one hundred dollars ($100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars ($50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied one-half (1/2) of the fee shall be returned.

(6) If the Kingston Police Department is aware of any information bearing on the employee’s qualifications, that information shall be filed in writing with the police chief. (Ord. #8-6-10-4, July 2008)

9-613. Revocation of license or permit. (1) the police chief shall revoke a license or permit for any of the following reasons:
(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had 'such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Roane County Health Department.

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The police chief, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the city council, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately
revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license. (Ord. #8-6-10-4, July 2008)

9-614. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 10:00 P.M. and 10:00 A.M. Monday through Saturday, nor shall such adult-oriented establishment be allowed to open on any Sunday, Good Friday or any state or federally recognized holiday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Kingston Police Department, the Roane County Sheriff's Department, or such other persons as the city council may designate. (Ord. #8-6-10-4, July 2008)

9-615. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the city council. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Kingston Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or
charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Kingston Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by the City of Kingston Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion. (Ord. #8-6-10-4, July 2008)

9-616. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.
(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals.

(4) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other person on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6’) from the nearest entertainer, employee and/or customer. (Ord. #8-6-10-4, July 2008)

9-617. **Penalties and prosecution.** (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars ($50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (Ord. #8-6-10-4, July 2008)

9-618. **Severability.** If a part of the ordinance comprising this chapter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of the ordinance comprising this chapter is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. (Ord. #8-6-10-4, July 2008)
TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS AND CATS.
3. OWNERSHIP AND CONTROL OF VICIOUS DOGS.

CHAPTER 1

IN GENERAL

SECTION
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.

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1991 Code, § 10-101)

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep or allow any other bees, animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line. However, nothing in this section shall be construed to permit the construction of barns, pens or any other type building or structure whatever that is in violation of the zoning ordinance of this city. (1991 Code, § 10-102, modified)

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. (1991 Code, § 10-103)

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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1991 Code, § 10-104)

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. (1991 Code, 10-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1991 Code, § 10-106)

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 any police officer or other properly designated officer or official and confined in a pound provided or designated by the city council. 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 city council.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance. (1991 Code, § 10-107)
CHAPTER 2

DOGS AND CATS

SECTION

10-201. Rabies vaccination and registration required.
10-202. Dogs and cats to wear tags.
10-203. Running at large prohibited.
10-204. Vicious dogs and cats to be securely restrained.
10-205. Noisy dogs and cats prohibited.
10-207. Seizure and disposition of dogs and cats.
10-208. Destruction of vicious or infected dogs or cats running at large.
10-209. Restrictions on number of dogs.

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 68-8-114) or other applicable law. (1991 Code, § 10-201)

10-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1991 Code, § 10-202)

10-203. Running at large prohibited. It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog or cat to run at large, including the owner of the dog or cat, may be prosecuted under this section even if the dog or cat is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1991 Code, § 10-203)

10-204. Vicious dogs and cats to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or
dangerous unless such dog or cat is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1991 Code, § 10-204)

10-205. **Noisy dogs and cats prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1991 Code, § 10-205)

10-206. **Confinement of dogs and cats suspected of being rabid.** If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (1991 Code, § 10-206)

10-207. **Seizure and disposition of dogs and cats.** Any dog or cat found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the city council. If the dog or cat 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 or cat by paying a reasonable pound fee, in accordance with a schedule approved by the city council, or the dog or cat will be sold or humanely destroyed. If the dog or cat is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within five (5) days. No dog or cat shall be released in any event from the pound unless or until such dog or cat has been vaccinated and has a tag evidencing such vaccination placed on its collar. (1991 Code, § 10-207)

10-208. **Destruction of vicious or infected dogs or cats running at large.** When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.1(1991 Code, § 10-208)

10-209. **Restrictions on number of dogs.** (1) No owner or caretaker of any residential building shall knowingly allow any dogs over the age of four (4) months to be kept, harbored or maintained within any residential building

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1State law reference
For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see **Darnell v. Shapard**, 156 Tenn. 544, 3 S.W.2d 661 (1927).
or any residential lot or parcel of property in the city without a permit, except as hereinbelow specified and provided.

<table>
<thead>
<tr>
<th>Maximum Number of Dogs Allowed</th>
<th>Lot of Parcel Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>One-quarter (1/4) acre or less</td>
</tr>
<tr>
<td>4</td>
<td>Exceeding one-quarter (1/4) acre up to, and including, one-half (1/2) acre</td>
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<tr>
<td>5</td>
<td>Exceeding one-half (1/2) acre up to, and including, three-quarter (3/4) acre</td>
</tr>
<tr>
<td>6</td>
<td>Exceeding three-quarter (3/4) acre up to, and including, one (1) acre</td>
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<tr>
<td>8</td>
<td>Exceeding one (1) acre up to, and including, two (2) acres</td>
</tr>
<tr>
<td>10</td>
<td>Exceeding two (2) acres up to, and including three (3) acres</td>
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(2) **Permits.** Any owner or caretaker of any residential building desiring to keep, harbor or maintain more dogs than allowed in subsection (1) shall file a written application therefor upon a form provided by the animal control officer, which application shall state the name, address and telephone number of the owner or caretaker, the size of the lot or parcel of property, the number and kind of dogs desired to be kept, and a short statement of the reason(s) for the request.

The animal control officer shall review the information supplied by the owner or caretaker and inspect the residential building and/or parcel of property after which he shall reasonably ascertain if any dogs over the maximum number of dogs herein provided should be allowed, and if he determines the same should be allowed, he shall decide how many dogs will be allowed, and issue a permit therefor.

Any permit issued hereunder shall specify any restrictions, limitations, conditions or prohibitions which the animal control officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety.

Any permit issued hereunder may be modified from time to time or revoked by the animal control officer for failure to conform to the restrictions, limitation, conditions or prohibitions therein contained. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the owner or caretaker keeping, harboring or maintaining such dogs.
The fee for such permit shall be twenty-five dollars ($25.00) which shall be paid at the time of the making of the application therefor. (1991 Code, § 10-209)
CHAPTER 3
OWNERSHIP AND CONTROL OF VICIOUS DOGS

SECTION
10-301. Definitions.
10-304. Hearing on vicious dog declaration.
10-305. Appeal from vicious dog declaration.
10-306. Requirements for keeping a vicious dog.
10-308. Tranquilizer gun usage.
10-309. Notice of impoundment.
10-310. Hearing on impoundment and/or destruction.
10-311. Exceptions.
10-312. Change of status.
10-313. Change of ownership.
10-314. Guard dogs.
10-315. Dog fighting.
10-316. Right of entry.
10-317. Penalties.

10-301. Definitions. For the purpose of this chapter the following terms shall have the following meanings:
(1) "Vicious dog" means:
   (a) Any dog with a known propensity, tendency, or disposition to attack without provocation, to cause serious injury, or to otherwise threaten the safety of human beings or domestic animals; or
   (b) Any dog which, without provocation, has attacked or bitten a human being or domestic animal; or
   (c) Any dog owned or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting.
(2) "Guard dog" means:
   (a) Any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog. (1991 Code, § 10-301)

10-302. Procedure for declaring a dog vicious. (1) An animal control officer, police officer or any adult person may request under oath that a dog be classified as vicious as defined in § 10-301, by submitting a sworn, written complaint. Upon receipt of such complaint, the city manager shall notify the owner of the dog, in writing, that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.
(2) At the conclusion of an investigation, the city manager may:
   (a) Determine that the dog is not vicious and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or
   (b) Determine that the dog is vicious and order the owner to comply with the requirements for keeping a vicious dog set forth in § 10-306, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for impoundment. If all impoundment fees have not been paid within ten (10) days after a final determination that the dog is vicious, the city manager may cause the dog to be humanely destroyed.

(3) Nothing in this article shall be construed to require a dog to be declared vicious prior to taking action under state law. (1991 Code, § 10-302)

10-303. Notification of vicious dog declaration. (1) Within five (5) days after declaring a dog vicious, the city manager shall notify the owner by certified mail or personal delivery of the dog's designation as a vicious dog and of the requirements for keeping a vicious dog as set forth in § 10-306. The city manager shall also notify the division of animal control of the designation of any dog as a vicious dog.

(2) The notice shall inform the owner that he or she may request, in writing, a hearing to contest the city manager's finding and designation within five (5) days after delivery of the vicious dog declaration notice. (1991 Code, § 10-303)

10-304. Hearing on vicious dog declaration. (1) The city manager shall hold a hearing within ten (10) days after receiving the owner's written request for such a hearing. The city manager shall provide notice of the date, time and location of the hearing to the owner by certified mail or personal delivery and to the complainant by regular mail.

(2) At a hearing, all interested parties shall be given the opportunity to present evidence on the issue of the dog's viciousness. Criteria to be considered in the hearing shall include but not be limited to the following:
   (a) Provocation;
   (b) Severity of attack or injury to a person or animal;
   (c) Previous aggressive history of the dog;
   (d) Observable behavior of the dog;
   (e) Site and circumstances of the incident; and,
   (f) Statements from interested parties.

(3) A determination at the hearing that the dog is in fact a vicious dog as defined in § 10-301 shall subject the dog and its owner to the requirements of this section.
Failure of the owner to request a hearing shall result in the dog being finally declared a vicious dog and shall subject the dog and its owner to the requirements of this section. (1991 Code, § 10-305)

10-305. **Appeal from vicious dog declaration.** If the city manager determines that a dog is vicious at the conclusion of a hearing conducted under § 10-304, that decision shall be final unless the owner of the dog appeals the decision to circuit court. (1991 Code, § 10-305)

10-306. **Requirements for keeping a vicious dog.** The owner of a vicious dog shall be subject to the following requirements:

1. **Confinement.** All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The pen or structure shall have minimum dimensions of five feet (5') in width and length by ten feet (10') in height and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet (2'). All pens or structures must be kept clean and sanitary. The enclosure must provide shelter and protection from the elements and must provide adequate exercise room, light and ventilation. Under no circumstances may a vicious dog be confined by a fence, whether it is electronic, a similar underground wire system, or otherwise. Under no circumstances may more than one (1) dog be kept in any one pen or structure.

2. **Indoor confinement.** No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the structure on its own volition. In addition, no vicious dog may be kept in a house or structure when open windows or screen doors are the only obstacle preventing the dog from exiting the house or structure.

3. **Number of vicious dogs per residence.** Only one (1) dog that has been declared vicious may be owner per residence.

4. **Leash and muzzle.** The owner of a vicious dog shall not allow the dog to go outside its kennel, pen, or structure unless the dog is muzzled, under the physical control of a capable adult, and restrained by a leash not more than four feet (4') in length, which shall be bright yellow in color, and of sufficient strength to control the dog. The muzzles must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human being or animal.

5. **Signs.** The owner of a vicious dog shall display, in a prominent place on the owner's premises, a clearly visible warning sign reading "Beware of Vicious Dog". The sign shall be readable from the driveway entrance or street. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Similar signs shall be posted on the dog’s kennel,
pen or structure. The sign shall be at least twelve inches by twelve inches (12"x12") in size.

(6) **Insurance.** The owner of a vicious dog shall obtain public liability insurance of at least one hundred thousand dollars ($100,000), per dog, insuring the owner for any damage or personal injury that may be caused by his vicious dog. The policy shall contain a provision requiring the city to be notified immediately by the agent issuing the policy in the event that the policy is canceled, terminated or expired. The owner must provide proof of the insurance to the division of animal control. If there is a lapse in insurance or a cancellation, the owner shall be in violation of this chapter. (1991 Code, § 10-306)

10-307. **Impoundment.** When a dog has severely attacked a human being or domestic animal, and a police officer or animal witnessed the attack or witnessed the injuries caused by the attack, such dog shall be impounded. (1991 Code, § 10-307)

10-308. **Tranquilizer gun usage.** The animal control officer or any law enforcement officer, that has met the training qualifications with tranquilizer gun usage, is allowed to use a tranquilizer gun to put any vicious animal down if the animal control officer or law enforcement officer deems it necessary in capturing the animal. (1991 Code, § 10-308)

10-309. **Notice of impoundment.** Within five (5) days of impoundment of a dog under § 10-307, the division of animal control shall notify the dog's owner, if known, in writing of the impoundment. (1991 Code, § 10-309)

10-310. **Hearing on impoundment and/or destruction.** (1) The owner of an impounded dog shall have the right to file, within five (5) days after receiving notice, a written request for a hearing before the city manager to contest the impoundment.

(2) Upon request by the owner for a hearing pursuant to subsection (1), a hearing shall be held within ten (10) days after the request for a hearing. Notice of the date, time and location of the hearing shall be provided by certified mail or delivered personally to the dog's owner.

(3) The city manager shall issue a decision after the close of the hearing and shall notify the owner in writing of the decision.

(4) After considering all of the relevant evidence, the city manager may request the district attorney general to petition the circuit court to order the destruction of the impounded dog, or may release the dog to its owner conditional on the owner complying with the requirements for keeping a vicious dog as set forth in § 10-306.

(5) If state law changes and permits a municipality to order the destruction of a dog as a result of an attack on a person or other animal, then
the city manager shall automatically have the power to order the destruction of said dog under subsection (4) without going through circuit court. (1991 Code, § 10-310)

10-311. Exceptions. (1) This section shall not apply to any dog used by the police department or law enforcement agencies.
(2) No dog shall be declared vicious for injury or damage sustained by a person who was entering the owner's property to commit a burglary, robbery, assault, willful trespass or other tort or crime.
(3) No dog shall be declared vicious for injury or damage sustained by a person who was teasing, tormenting, abusing, assaulting, or otherwise provoking the dog.
(4) No dog shall be declared vicious solely because it bites or attacks:
   (a) A person assaulting its owner, excluding a police officer attempting to subdue or effect the arrest of a suspect; or
   (b) An unrestrained animal that attacks it or its young while it is restrained in compliance with this chapter. (1991 Code, § 10-311)

10-312. Change of status. The owner of a vicious dog shall notify the division of animal control:
(1) Immediately if the vicious dog is unconfined and on the loose, or has attacked a human being or domestic animal without provocation;
(2) If the dog has died. (1991 Code, § 10-312)

10-313. Change of ownership. (1) If the owner of a vicious dog sells, gives away, or otherwise transfers custody of the vicious dog to a new owner who resides within the city limits of the City of Kingston, the owner shall, within three (3) days, provide the division of animal control with the name, address, and telephone number of the new owner.
(2) If the new owner resides within the city limits, the previous owner shall notify the new owner of the dog's designation as a vicious dog and of the requirements and conditions for keeping a vicious dog set forth in § 10-306.
(3) If the new owner resides within the city limits, the new owner must obtain the required enclosure prior to the acquisition of the vicious dog or confine the dog indoors.
(4) If the new owner resides within the city limits, the new owner must fully comply with the provisions of this article, including obtaining liability insurance, prior to the acquisition of the vicious dog. (1991 Code, § 10-313)

10-314. Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in any area of the City of Kingston for the protection of persons or property unless the following provisions are met:
(1) The guard dog shall be confined; or
(2) The guard dog shall be under the absolute control of a handler at all times when not confined; and
(3) The owner or other persona in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50′), whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day.  

10-315. **Dog fighting.** (1) No person shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals.
(2) No person shall permit a dog fight to take place upon their premises or premises within their control.
(3) No person shall knowingly be a spectator at a dog fight.
(4) Any dog found on the premises of the dog fight or in the immediate vicinity shall be impounded.  

10-316. **Right of entry.** It shall be the duty and authority of the chief of police or his authorized representative to enter onto any premises, public or private, to make inspections for the purpose of carrying out the provisions of this chapter.

10-317. **Penalties.** Any person violating the provisions of this chapter upon conviction shall be fined fifty dollars ($50.00) and each day of violation shall be deemed a separate violation.
TITLE 11

MUNICIPAL OFFENSES

CHAPTER 1

MISDEMEANORS OF 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 or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section. (1991 Code, § 11-101)

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1Municipal code references
   Housing and utilities: title 12.
   Fireworks and explosives: title 7.
   Traffic offenses: title 15.
   Streets and sidewalks (non-traffic): title 16.
CHAPTER 2

ALCOHOL

SECTION
11-201. Public drunkenness.
11-202. Drinking alcoholic beverages in public, etc.
11-203. Minors in beer places.


11-202. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1991 Code, § 11-202)

11-203. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1991 Code, § 11-203)

1Municipal code reference
Sale of alcoholic beverages, including beer: title 8.
CHAPTER 3
INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
11-301. Escape from custody or confinement.
11-302. Impersonating a government officer or employee.
11-303. False emergency alarms.
11-304. Resisting or interfering with city personnel.

11-301. **Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1991 Code, § 11-301)

11-302. **Impersonating a government officer or employee.** No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1991 Code, § 11-302)

11-303. **False emergency alarms.** It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1991 Code, § 11-303)

11-304. **Resisting or interfering with city personnel.** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1991 Code, § 11-304)
CHAPTER 4

OFFENSES AGAINST PROPERTY

SECTION

11-401. Trespassing.
11-402. Malicious mischief.
11-403. Interference with traffic.

11-401. Trespassing. (1) On premises open to the public.
(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.
(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.
(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.
(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.
(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.
(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1991 Code § 11-401)

11-402. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1991 Code, § 11-402)

1Municipal code reference
Provisions governing peddlers and solicitors, etc.: title 9, chapter 1.
11-03. **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. (1991 Code, § 11-03)
CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-501. Disturbing the peace.

11-501. 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. (1991 Code, § 11-501)

11-502. Anti-noise regulations. (1) Preamble. The City Council of the City of Kingston finds that excessive sound or noise is detrimental to the physical, mental, and social well being of the citizens of the City of Kingston as well as to their comfort, living conditions, general welfare and safety and hereby declares it necessary to provide for more effective regulation of excessive sound or noise. It is the intent of this section to establish standards, regulations and enforcement procedures that will eliminate or reduce unnecessary and excessive sound and noise which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

(2) Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(a) "A-weighted sound pressure level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as defined in American National Standard S1.4-1983 (R 1997). The level so read is designated dB(A).

(b) "Ambient noise" means the all-encompassing sound or noise associated with a given environment, being usually a composite of sounds from many sources near and far.

(c) "City" means City of Kingston.

(d) "Commercial use" means activity within or upon a premise where offices, clinics, kennels, shopping and service establishments exist and none of the gross floor area meets the definition of residential use, as set forth below.

(e) "DB(A)" means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).
(f) "Impulsive sound" means sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(g) "Industrial use" means any activity within or upon a premise where manufacturing, processing or fabrication of goods or produces takes place.

(h) "Motor vehicle" means any motor required to be registered by the Department of Safety for the State of Tennessee, pursuant to Tennessee Code Annotated, title 55.

(i) "Person" means any individual, association, partnership, or corporation, and includes any officer or employee thereof.

(j) "Public premise" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include real property leased to any non-governmental entity for residential, commercial or industrial use, as defined herein.

(k) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.

(l) "Residential use" means any premises lawfully used for human habitation under the ordinances of the City of Kingston and the laws of the State of Tennessee and shall include schools, churches, hospitals, nursing homes, and similar institutional facilities. For purposes of this section only, premises adjoining, adjacent to or opposite hospitals or nursing homes shall also be deemed residential use.

(m) "Sound pressure" means the average rate at which sound energy is transmitted through a unit area in a specified direction.

(n) "Sound pressure level meter" means an instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dB(A) scale.

(3) Standards. (a) No person shall cause, suffer, allow or permit sound from any source which, when measured from the real property boundary of the source of the sound, is in excess of the following standards:

(i) Residential use. (A) When the offending sound emanates from a residential use between the hours of 7:00 A.M. and 10:00 P.M., sound which has an A-weighted sound pressure level of 65 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a residential use between the hours of 10:00 P.M. and 7:00 A.M., sound which as an A-weighted sound pressure level of
60 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(ii) Commercial use. (A) When the offending sound emanates from a commercial use between the hours of 7:00 A.M. and 10:00 P.M., sound which has an A-weighted sound pressure level of 80 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) When the offending sound emanates from a commercial use between the hours of 10:00 P.M. and 7:00 A.M., sound which has an A-weighted sound pressure level of 75 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(iii) Industrial use. (A) When the offending sound emanates from an industrial use, continuous or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(B) No person shall cause, suffer, allow or permit from any source within a public premise any airborne sound which, when measured from the source of the sound, has an A-weighted sound pressure level in excess of 65 dB(A), or any impulsive sound which has an A-weighted sound pressure level of 80 dB(A). This subsection shall not apply to legitimate government operations.

(C) Sound, whether continuous or impulsive, shall be measured at approximately five feet (5') above grade, using a slow meter response setting and using a windscreen when appropriate.

(4) Loud, unusual or unnecessary sounds and noises prohibited; criteria; other prohibited noises. (a) Consistent with other provisions of this section, and in addition thereto, it shall be unlawful for any person within the limits of the city to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary sound or noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(b) The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to the following:

(i) The frequency of the sound or noise;

(ii) The intensity of the sound or noise;
(iii) Whether the nature of the sound or noise is usual or unusual;
(iv) Whether the origin of the sound or noise is natural or unnatural;
(v) The frequency and intensity of the ambient sound or noise, if any;
(vi) The proximity of the sound or noise to residential sleeping facilities;
(vii) The nature and land use of the area within which the sound or noise emanates;
(viii) The population density of the inhabitation of the area within which the sound or noise emanates;
(ix) The time of the day the sound or noise occurs;
(x) The duration of the sound or noise; and
(xi) Whether the sound or noise is recurrent, intermittent, or constant.

c) The following acts are declared to be unreasonably loud, unusual or unnecessary sound or noises in violation of this section, even if the sound or noises referred to do not violate the sound level standards set forth in this section.

(i) Horns and signaling devices on vehicles. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicles 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 signaling device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(ii) Bands and musical instruments. The use by any person, group or band of any musical instrument, radio set, television set or other instrument, machine or device for amplifying, producing or reproducing sound in such a manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the vehicle, room, chamber, outdoor facility or in the vicinity in which such instrument, machine or device is operated and who are voluntary listeners thereto.

(iii) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
(iv) Drums and other attention-attracting devices. The use of any drum or other instrument or device for the purpose of attracting attention by creation of sound or noise to any performance, show or sale.

(v) Animals and birds. The keeping of any animal or bird which, by frequent barking, howling, crying, singing or causing any other frequent or long-continued noise, disturbs the comfort and repose of any person in the vicinity.

(vi) Sound trucks. The use or operation on or upon the public streets in the city or on driveways or throughways owned by or leased to the City of Kingston of any device known as a sound truck, or any loudspeaker, sound amplifier or other instrument of any kind or character which emits therefrom loud raucous noises and is attached to and upon any vehicle operated or standing upon the city streets or on driveways or throughways owned by or leased to the City of Kingston.

(vii) Defect in vehicle or noisy load. The use of any automobile, motorcycle, or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(viii) Pneumatic devices. The use of any mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(ix) Fireworks. The use of any combustible novelty or recreational items generating a whistle or loud report.

(5) Noise from motor vehicle audio equipment. Consistent with other provisions of this section, and in addition thereto, no person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the City of Kingsport, property owned by or leased to the City of Kingston, or within a public park, within a public parking lot or on any other public premise within the city, which is audible to a person of normal hearing sensitivity more than fifty feet (50') from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty feet (50') outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be audible, and said sound shall include bass reverberation.

(6) Continuing violations. Each violation of this section shall be considered a separate offense, and any violation continuing more than one half (1/2) hour or recurring within one half (1/2) hour shall be considered a separate offense for each half hour of violation.
(7) No warning required. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

(8) Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

(a) Any vehicle of the city or a public utility while engaged in necessary public business.

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

(c) Emergency activities of the city, the county, or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.

(d) Any special event authorized by the city pursuant to the law, rules and regulations of the city, including but not limited to city sponsored or permitted parades or public events.

(e) Excavation, construction, demolition, repair, paving or alteration of buildings or streets. This exception shall not apply to such excavation, construction, demolition, repair, paving or alteration of buildings or streets in a residential use between the hours of 6:00 P.M. and 7:00 A.M. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector. 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, 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 progress of the work.

(f) Use of domestic power equipment (including but not limited to power lawn mowers, leaf blowers, trimmers, snow blowers, tillers, saws, sanders, drills, or similar devices) between 8:00 A.M. and 9:00 P.M.

(g) Attendant on-site sounds connected with the actual performance of organized sporting events on school campuses and in publicly owned parks or facilities.

(h) Warning devices on authorized emergency vehicles and on motor vehicles used for traffic safety purposes.

(i) Amplified and unamplified bells and chimes on schools, public buildings and other places of assembly.
(j) Use of motor vehicles for the collection and/or compacting of refuse, except that such vehicles shall not operate between 10:00 P.M. and 7:00 A.M. in a residential use.

(k) Cleaning and maintenance of parking lots and access roadways held open to the public, but only when such activities are not feasible between 7:00 A.M. and 10:00 P.M.

(l) Any aircraft in flight subject to federal law regarding noise control and any helicopter in the act of landing or taking off, if such landing or taking off is approved.

(m) Air conditioning and refrigeration units appurtenant to a permanent structure, so long as the unit or any of its component parts is not so out of repair as to create loud or unnecessary grating, grinding, rattling or other noise.

(n) Human sounds emanating from children twelve (12) years of age or under, including but not limited to speech and utterances of laughter, cries, and sounds associated with play.

(o) Security alarms on structures or motor vehicles, except that such alarms must terminate operation within five (5) minutes after activation for continuous airborne sound and within fifteen (15) minutes for impulsive sound unless otherwise provided in this code.

(9) Special noise permits. (a) The City of Kingston shall, upon proper application, grant special permits for limited exceptions from the provisions of this section.

(b) Special noise permits shall be issued only for events occurring on Friday, Saturday, or a federally recognized holiday, and shall be effective only between the hours of 7:00 A.M. and 10:00 P.M. Special noise permits shall be limited to a single day, and no more than two (2) permits shall be issued to any premises in any twelve (12) month period, regardless of any change in ownership of the premises.

(c) Any person seeking a special noise permit pursuant to this section shall file an application with the city clerk. The application shall contain specific information regarding the nature of the event for which the permit is sought, including the anticipated duration of the event, the address of the premises for which the permit is sought, the name (and address, if different from the premises for which the permit is sought) of the person seeking the permit, an acknowledgment of responsibility of the applicant for any violations of this section resulting from noncompliance with the terms of the permit, and the signature of the applicant. Said application shall be filed no less than three (3) business days prior to the effective date of the permit. No permit shall be issued by the city clerk unless the application has been approved in writing by the Kingston Police Department.

(d) Upon receipt of a properly executed and signed application, the City of Kingston shall issue a special noise permit to the applicant,
which permit shall exempt the premises specified in the permit from the provisions of this section for the date specified in the permit, except that sound emitted from the premises shall in no way exceed the standards set forth in this section by more than 10 dB(A).

(e) Non-compliance with any conditions of the permit or any of the provisions of this section shall invalidate the permit and subject the applicant and any other person on the premises to all provisions of this section.

(f) The permit shall be displayed prominently on the premises covered by the permit. (1991 Code, § 11-502, as replaced by Ord. #12-10-9, Nov. 2012)
CHAPTER 6

OFFENSES AGAINST PUBLIC HEALTH, SAFETY OR WELFARE

SECTION
11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Discharge of firearms.
11-604. Gambling.
11-605. Abandoned refrigerators, etc.
11-606. Caves, wells, cisterns, etc.
11-607. Posting notices, etc.
11-608. Curfew for minors.
11-609. Interfering with radio or television reception.
11-610. Weapons on city property.

11-601. 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 bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1991 Code, § 11-601)

11-602. Throwing 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. (1991 Code, § 11-602)

11-603. Discharge of firearms. (1) It shall be unlawful for any person to discharge firearms within the corporate limits of the city. Notwithstanding any other provisions in this section to the contrary, nothing in this section is intended to prohibit the discharge or firing of firearms:
   (1) When the discharge of firearms is made by a person authorized under the laws of the State of Tennessee and the United States to discharge firearms in connection with duties that person is authorized by those laws to perform;
   (2) When the discharge of firearms is made by a person in the activity of hunting, but only to the extent that hunting is conducted strictly in accordance with the laws, rules, and regulations of the State of Tennessee governing the right of citizens to hunt within the municipal limits of the city.
   (3) By anyone within a legally established shooting range, shooting gallery, firearm training facility or a parcel of land exceeding five (5) or more acres where precautions have been taken to insure the protection of human life and property.
(2) The violation of this section is a civil offence, punishable under the general penalty provision of this municipal code of ordinances. (1991 Code, § 11-603)

11-604. Gambling. (1) Gambling prohibited. 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.

(2) 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. (1991 Code, § 11-604)

11-605. 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 or otherwise sealing the door in such a manner that it cannot be opened by any child. (1991 Code, § 11-605)

11-606. 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. (1991 Code, § 11-606)

11-607. Posting notices, etc. No person shall paint, make, or 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. (1991 Code, § 11-607)

11-608. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 12:00 midnight unless accompanied by a parent, guardian or other adult person having lawful custody of such minor. (1991 Code, § 11-608)

11-609. Interfering with radio or television reception. It shall be unlawful for any person to operate, within the corporate limits, any electrical apparatus, wires, device, machine, or equipment which causes interference with radio or television reception when such interference can be reasonably prevented by means of repairs, adjustments, the installation of corrective appliances, or other practicable alterations. (1991 Code, § 11-609)
11-610. Weapons on city property. (1) No person shall bring onto, or have in his or her possession while on city property, a weapon, whether or not such weapon is concealed or unconcealed, or loaded or unloaded.

(2) Definitions. For the purposes of the interpretation and application of this ordinance, the following words shall have the indicated meanings:

(a) "City property." City property shall mean any property owned or leased by, or otherwise in the possession of, the city, and used for city purposes. Such property shall include, but is not limited to, city hall, schools and any other educational facilities, fire and police stations, courts, jails and other detective facilities, auditoriums and civic buildings, hospitals and other curative institutions, equipment service and storage facilities, supply facilities, public utility facilities, land fills, and recreational facilities, and motor and other vehicles.

(b) "Weapon." Weapon shall include any and all of the following instruments, implements and devices:

(i) Bombs, grenades, rockets or mines designed to be loaded with any explosive, incendiary, or poisonous gas, whether or not loaded with an explosive, incendiary or poisonous gas;

(ii) Firearms of every kind and description designed to fire and propel a projectile, including but not limited to, rifles, shotguns, machine guns, and handguns, whether or not such firearm is loaded or unloaded. This definition shall include antique firearms and firearms that are not immediately capable of firing and propelling a projectile.

(c) Switchblade knives, which means any knives that have a blade that opens automatically by hand pressure applied to a button or other device on any part of the knife or by inertia or gravity;

(d) Knuckles, which means any instrument, implement or device that consists of finger rings or guards made of metal or any other hard substance that is designed, made or adapted for the purpose of inflicting bodily harm or death by striking the person with a hand or fist enclosed in such knuckles;

(e) Any other device, instrument, or implement especially made, designed, altered or adapted for the purpose of inflicting bodily injury or death by striking a person with the instrument.

(3) Exceptions. Of the ordinance to prohibit the carrying of weapons on the property of the City of Kingston is hereby amended to read as follows:

(a) Federal, state or local law enforcement officers authorized by their political subdivision to carry a firearm or to have in their possession any other weapon in the course of their employment under the laws of the United States and the State of Tennessee and its political subdivisions is exempt from the application of this section. However, this exemption shall only apply to the weapon or weapons the law
enforcement officer is entitled under the applicable law to carry or have in his or her possession.

(b) Any provision in this section notwithstanding, the possession and use of the ceremonial cannon at Fort Southwest Point or on any other city property and the possession and use of weapons by persons engaged solely in re-enactments of battles at Fort Southwest Point and/or as a part of parades or funeral or national holiday ceremonies is exempt from the application of this section.

(4) Pursuant to Tennessee Code Annotated, § 39-17-1359, notice of this prohibition shall be posted in prominent locations, including all entrances primarily used by persons entering the premises. The sign shall be of a size that is plainly visible to the average person entering the building, premises or property and shall contain language substantially similar to the following:

Pursuant to § 39-17-1359, the owner/operator of this property has banned weapons on this property, or within this building or this portion of this building. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than five hundred dollars ($500.00). (1991 Code, § 11-610)
CHAPTER 1

BUILDING CODE

SECTION
12-102. Violations.
12-103. Repealer.
12-104. Severability.
12-105. Legal actions.

12-101. Building code adopted. A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Kingston, Tennessee, being marked and designated as the International Building Code, 2006 edition, as published by the International Code Council, be and the same is hereby adopted as the building code of the City of Kingston, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the City of Kingston are hereby referred to, adopted, and made a part hereof, as if

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1Municipal code reference
Fair housing code: title 9, chapter 5.

2Municipal code references
Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Slum clearance: title 13, chapter 2.
Utilities and services: titles 18 and 19.
fully set out in this chapter. (1991 Code, § 12-101, modified, as replaced by Ord. #7-5-8-3, June 2007)

12-102. Violations. 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. (1991 Code, § 12-104, modified, as amended by Ord. #7-5-8-3, June 2007)

12-103. Repealer. Ordinance No. 01-2-13-3 of the City of Kingston Municipal Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. #7-5-8-3, June 2007)

12-104. Severability. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Kingston hereby declares that it would have passed the ordinance comprising this chapter, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #7-5-8-3, June 2007)

12-105. Legal actions. Nothing in this chapter or in the building code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 12-103 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter. (Ord. #7-5-8-3, June 2007)
TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER
1. MISCELLANEOUS.
2. JUNKYARDS.
3. DISPOSAL OF WRECKED, JUNKED, OR ABANDONED VEHICLES.
4. SUBSTANDARD BUILDINGS – VACATION, REMOVAL, DEMOLITION AND REPAIR.
5. NUISANCES.

CHAPTER 1

MISCELLANEOUS

SECTION
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-105. Dead animals.
13-106. Health and sanitation nuisances.

13-101. **Health officer.** The "health officer" of the City of Kingston shall be such municipal, county, state, or privately contracted officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1991 Code, § 13-101)

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, or safety of the public or so as to cause or have a tendency to cause injury or damage to persons, property or business. (1991 Code, § 13-102)

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1Municipal code references
Littering streets, etc.: § 16-107.
Parking lot paving requirements: title 16, chapter 3.
Toilet facilities in beer places: §8-312(15).
Wastewater treatment: title 18, chapter 2.
13-103. **Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes and/or the creation of a health nuisance. (1991 Code, § 13-103)

13-104. **Weeds.** Every owner or tenant of property shall periodically cut the grass or other vegetation commonly recognized as weeds on his property, whether vacant or occupied, and it shall be unlawful for any person to fail to comply with an order by the health officer to cut such vegetation when it has reached a height of over eight inches (8"). Nothing in this section, however, shall be construed to regulate the growth or height of vegetation existing within a well maintained vegetable garden, flower bed, or other similar landscaping. (1991 Code, § 13-104)

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. (1991 Code, § 13-105)

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 dust and debris which could be blown onto neighboring properties, 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 in the vicinity. (1991 Code, § 13-106)
CHAPTER 2

JUNKYARDS¹

SECTION

13-201. **Junkyards.** All junkyards within the corporate limits of the City of Kingston shall be operated and maintained subject to the following regulations.

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

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

(3) Such yards shall be maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1991 Code, § 13-201)

¹Municipal code reference
Building, utility and housing codes: title 12.
Refuse and trash disposal: title 17.
CHAPTER 3

DISPOSAL OF WRECKED, JUNKED, OR ABANDONED VEHICLES

SECTION
13-301. Definitions.
13-302. Wrecked, junked, or abandoned vehicles prohibited.
13-305. Notice.
13-308. Storage of vehicles.
13-309. Expense of disposal charged to owner.
13-310. Penalty.

13-301. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(5) "Junked vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(a) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;
(b) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;
(c) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows;
(d) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever;
(e) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator;
(f) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;
(g) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method;
(h) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (1991 Code, § 13-301)

13-302. Wrecked, junked, or abandoned vehicles prohibited. It shall be unlawful and a civil offense for any person:
(1) To park and or in any other manner place and leave unattended or abandoned on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.
(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.
(3) To park, store, keep, maintain on private property a junk vehicle for a period of longer than fifteen (15) days unless it is in connection with a purpose or business enterprise lawfully situated and licensed. All such wrecked, junked, or abandoned vehicles are hereby declared to be public nuisances. (1991 Code, § 13-302)
13-303. **Exceptions.** (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

   (a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

   (b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

   (c) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (1991 Code, § 13-303)

13-304. **Procedure for removal from private property.** The owner of any such vehicle or the owner of the private property on which the same is located shall be responsible for its removal upon appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in this chapter, notices shall be sent to the owner or resident of the property upon which the said vehicle is located stating that the condition of said vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will be commenced to affect the removal of the vehicle. Such twenty-four (24) hour notice, or one similar thereto, shall also be provided the vehicle owner and any lien holders to the extent that their names and addresses may be reasonably ascertained after the city has first been apprized of such violation. If in the opinion of the chief of police, fire chief, health officer or their designees, an emergency situation exists, the vehicle may be immediately removed by the city. (1991 Code, § 13-304)

13-305. **Notice.** If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. A notice shall be directed to the owner of the vehicle and any lien holders, if known, and the owner of the premises where same is located at least two (2) days before the time for compliance therewith. It shall be sufficient service of notice if it is posted in a conspicuous place upon the premises affected and a copy is mailed to such owners and lien holders at their last known address, place of residence, or place of business. (1991 Code, § 13-305)
13-306. **Hearing.** Within two (2) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the City Council of the City of Kingston. The hearing shall be held as soon as practicable after the filing of the request therefor and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as is deemed necessary and proper by the city council. (1991 Code, § 13-306)

13-307. **Removal.** If the violation described in the notice has not been remedied within five (5) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the city council after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the city or its inhabitants, said vehicle shall be removed and taken into possession by the City of Kingston. Any tow trucks or vehicles used for such removal, other than city vehicles, shall be covered by insurance in the form and extent of which shall be approved by the city council. (1991 Code, § 13-307)

13-308. **Storage of vehicles.** If the vehicle owner pays the city for all expenses involved in the removal and storage of same within ten (10) days of such removal, and indicates in writing that such vehicle will not be taken to a location where it will be in violation of § 13-201 of this title, possession shall be relinquished to such owner. If possession is not thus relinquished to the owner, the mayor shall sell any such vehicles after publication of notice thereof ten (10) days prior to the sale in a newspaper of general circulation in the city. (1991 Code, § 13-308)

13-309. **Expense of disposal charged to owner.** All costs and expenses incurred by the City of Kingston in carrying out the provisions of this chapter shall be and constitute a charge and lien against:

(1) The owner of the vehicle;
(2) The owner of the real property when it is determined that the vehicle belongs to said owner; and
(3) The vehicle, until paid with interest to secure at the rate of six percent (6%) annually. (1991 Code, § 13-309)

13-310. **Penalty.** Any person violating any provision of this chapter shall be fined in accordance with state statute. (1991 Code, § 13-310)
13-311. Delegation of authority. The city manager is hereby authorized to designate the agency or department to implement the provisions of this chapter. (1991 Code, § 13-311)
CHAPTER 4

SUBSTANDARD BUILDINGS - VACATION, REMOVAL, DEMOLITION AND REPAIR

SECTION
13-401. Purpose and scope.
13-402. Dangerous buildings defined.
13-403. Dangerous buildings declared public nuisances.
13-404. Duties of the health officer.
13-405. Duties of the Kingston City Council.
13-406. Duties of the city attorney.
13-407. Duties of the fire department.
13-408. Emergency cases.
13-409. When owner is absent from city.
13-410. Standards to be applied by the health officer.
13-411. Violation; penalties.

13-401. Purpose and scope. The purpose and scope of this chapter are to provide for the vacation, removal, repair, or demolition of any dangerous building or structure in the City of Kingston which is or threatens to be a public nuisance, is dangerous to the health, safety, or general welfare of the people of the City of Kingston, or which constitutes a fire menace, and to provide for the assessment of the costs of such vacation, removal, repair, or demolition as a municipal lien against such premises, and to provide for the recovery of such costs in an action at law. (1991 Code, § 13-401)

13-402. Dangerous buildings defined. Any building or structure of any kind which has any one or combination of the following defects shall be deemed a dangerous building within the context of this chapter:

   (1) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

   (2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

   (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

   (4) Those which have been damaged by fire, wind, or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the people of the City of Kingston.
(5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals safety or general welfare of those living therein.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.

(7) Those having insufficient facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of emergency exit.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of Kingston.

(10) Those buildings existing in violation of any provision of the building code of the City of Kingston, or any provision of the fire prevention code. (1991 Code, § 13-402)

13-403. Dangerous buildings declared public nuisances. All dangerous buildings, as defined in § 13-402, are hereby declared to be public nuisances and shall be vacated, removed, repaired or demolished as provided in this chapter. (1991 Code, § 13-403)

13-404. Duties of the health officer. The health officer shall:

(1) Inspect, or cause to be inspected, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for which reasonable suspicion exists that a violation of this chapter may exist. The purpose of such inspection shall be to determine whether any conditions actually exist which render such places a dangerous building as defined in § 13-402 of this chapter.

(2) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this chapter.

(3) Inspect any building, wall, or structure reported by the fire or police departments of the city, or by the county sheriff's department, as probably existing in violation of the terms of this chapter.

(4) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Register of Deeds of Roane County, of any building found by him to be a dangerous building as defined in this chapter, that:

(a) The owner must vacate, repair, or demolish said building in accordance with the terms of the notice and this chapter;
(a) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

(b) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Roane County Register of Deeds may, at his own risk, repair, vacate, or demolish said building or have such work or act done; provided that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(c) Set forth in the notice, a description of the building or structure deemed to be unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding thirty (30) days, as is reasonable.

(d) Report to the Kingston City Council with the notice provided in this subsection.

(e) Appear at all hearings conducted by the Kingston City Council and testify as to the condition of dangerous buildings.

(f) Place a notice on all dangerous buildings reading as follows: "THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE KINGSTON HEALTH OFFICER. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED, VACATED, OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN TO THE OWNER, OCCUPANT, LESSEE, MORTGAGEE, OR AGENT OF THIS BUILDING, AND ALL OTHER PERSONS HAVING AN INTEREST IN SAID BUILDING AS SHOWN BY THE LAND RECORDS OF THE ROANE COUNTY REGISTER OF DEEDS. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH." (1991 Code, § 13-404)

13-405. Duties of the Kingston City Council. The city council shall:

(1) Upon receipt of a report of the health officer as provided for in this chapter, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Roane County Register of Deeds to appear before the city council on the date and time specified in the notice to show cause why the building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the health officer's notice as provided in this chapter.

(2) Hold a hearing and hear such testimony as the health officer or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Roane County Register of Deeds shall offer relative to the "dangerous building."
(3) Make written findings of fact from the testimony offered pursuant to subsection (2) above as to whether or not the building in question is a dangerous building as defined in this chapter.

(4) Issue an order based upon the findings of fact made pursuant to subsection (3) above commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Roane County Register of Deeds, to repair, vacate, or demolish any building found to be a dangerous building as defined by the chapter.

(5) If the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Roane County Register of Deeds fails to comply with the order provided in subsection (4) above within ten (10) days, the city council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in § 13-402 of this chapter, and shall with the assistance of the city attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety, or general welfare of the people of Kingston, the city council may notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) Report to the city attorney the names of all persons not complying with the order provided in subsection (4) above. (1991 Code, § 13-405)

13-406. Duties of the city attorney. The Kingston City Attorney shall:

(1) Prosecute all persons failing to comply with the terms of notices provided in § 13-404 of this chapter.

(2) Appear at all hearings before the city council in regard to dangerous buildings.

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the city council in repairing or causing to be vacated or demolished dangerous buildings.

(4) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (1991 Code, § 13-406)

13-407. Duties of the fire department. The fire chief shall make a report in writing to the health officer of all buildings or structures which are, or may be, or are suspected of being dangerous buildings as defined in this chapter. Such reports must be delivered to the health officer within twenty-four (24) hours of the discovery of such buildings or structure by the fire chief. (1991 Code, § 13-407)
13-408. **Emergency cases.** In cases where it reasonably appears that there is immediate danger to the life or safety of any person, unless a dangerous building as defined herein is immediately repaired, vacated, or demolished, the health officer shall report the facts to the city council and the city council shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repairs, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in § 13-405(5) of this chapter. (1991 Code, § 13-408)

13-409. **When owner is absent from city.** In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the City of Kingston, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown on the land records of the Roane County Register of Deeds to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailed and posting shall be deemed adequate service. (1991 Code, § 13-409)

13-410. **Standards to be applied by the health officer and the city council.** The following standards shall be followed in substance by the health officer and the city council in order the vacation, removal, repair, or demolition of any structure or building:

1. If the dangerous building can reasonably be repaired so that it will not longer exist in violation of the terms of this chapter, it shall be ordered, repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated.
3. In any case where a dangerous building in fifty percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the State of Tennessee, it shall be demolished. (1991 Code, § 13-410)

13-411. **Violation: penalties.** The owner of any dangerous building or structure who shall fail to comply with any notice or order to vacate, remove, repair, or demolish said building or structure given by any person authorized by this chapter to issue such notice or order shall be guilty of a misdemeanor and shall be punished as provided by city code or state statute.

The occupant or lessee in possession of said dangerous building who fails to comply with any notice to vacate or who fails to repair said structure or
building in accordance with notice given under the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided by city code or state statute. (1991 Code, § 13-411)

13-412. Administrative liability. No officer, agent, or employee of the City of Kingston shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the City of Kingston as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein. (1991 Code, § 13-412)
CHAPTER 5

NUISANCES

SECTION
13-504. Hearing.
13-505. Corrective action.
13-506. Storage of personal property.
13-507. Payment of costs.
13-509. Penalty for failure of owner to abate such nuisance.

13-501. Declaration of nuisances. The accumulation of debris, rubbish, trash, cans, bottles, containers, papers, furniture, lumber, stoves, refrigerators, freezers, appliances, equipment and other personal property of any kind, or parts thereof, which are no longer reasonably usable for the purposes for which it was manufactured on any lot, tract or parcel of land or in, under or upon any open structure within the corporate limits of the City of Kingston constitutes a threat or menace to life, property, public health or public welfare, encourages the infestation of rats and other harmful animals, and/or creates a fire hazard and is hereby specifically prohibited and declared to be a public nuisance. (1991 Code, § 13-501)

13-502. Duty of maintenance of private property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. (1991 Code, § 13-502)

13-503. Notification. Whenever any public nuisance, as defined by this chapter, exists on lands within the corporate limits of the City of Kingston, the city manager, or his designee, shall notify the owner of record of said lands and direct them to abate or remove the same. Said notification shall:
(1) Be in writing;
(2) Specify the nature of the public nuisance and give its location;
(3) Specify the corrective measures required; and,
(4) Require compliance within thirty (30) days from the date of the notification.

The notification shall be served upon the owner or owners of the premises where the nuisance is located by serving them personally or by sending said
notice by certified mail, return receipt requested, to their address as shown on
the current tax roll of the City of Kingston.  (1991 Code, § 13-503)

13-504. **Hearing.** Within thirty (30) days after the mailing or other
service of said notice, the persons to whom the notices are directed, or their duly
authorized agents, may file a written request for a hearing before the City
Council of the City of Kingston. The hearing shall be held as soon as practicable
after the filing of the request therefor and the persons to whom the notices are
directed shall be advised of the time and place of said hearing at least five (5)
days in advance thereof. At any such hearing, the city and the persons to whom
the notices have been directed may introduce such witnesses and evidence as is
deemed necessary and proper by the city council.  (1991 Code, § 13-504)

13-505. **Corrective action.** If the violation described in the notice has
not been remedied by the owner or occupant within thirty (30) days of the
mailing or service thereof, or in the event that a notice requesting a hearing is
timely filed and the existence of the violation is affirmed by the city council after
hearing, pursuant to the police power to do all things whatsoever necessary for
promoting or maintaining the general welfare of the city or its inhabitants, the
following procedures will be commenced to affect the corrective measures and
the removal of the offending items by the City of Kingston. The codes
enforcement officer, or his duly authorized representative, may enter onto such
premises and take the corrective action specified in the notice so that the
nuisance identified by said letter is removed or abated.  (1991 Code, § 13-505)

13-506. **Storage of personal property.** Personal property not
dangerous to the public health or safety shall be stored by the city. All debris,
rubbish, trash, cans, bottles, containers, papers and dangerous material shall
be disposed of at the time of removal. If the owner wishes to reclaim the
personal property and pays the city for all expenses involved in the removal and
storage of any personal property within ten (10) days of such removal and
indicates in writing that such items will not be taken to a location where it will
be in violation of this chapter, possession shall be relinquished to such owner.
If possession is not thus relinquished to the owner, the city manager shall sell
any such items after publication of notice thereof of ten (10) days prior to the

13-507. **Payment of costs.** Upon the completion of the corrective action
carried out by the codes enforcement officer as authorized herein, the actual
costs of such action, the cost of any transportation of property, the cost of
storage, plus a fee of fifteen percent (15%) for administrative cost, shall be billed
to the owner or owners of said property by the City of Kingston. If said bill is
not paid in full within sixty (60) days after its date of mailing, a ten percent
(10%) penalty shall be added and said costs and penalties shall be placed on the
13-507. tax rolls of the City of Kingston as lien upon said property and collected in the same manner as other city taxes are collected. (1991 Code, § 13-507)

13-508. Judicial review. Any person aggrieved by an order or act of a public officer or of the city council under this chapter may seek judicial review of the order or act. The time period established above shall be stayed during the pendency of judicial review. (1991 Code, § 13-508)

13-509. Penalty for failure of owner to abate such nuisance. If said owners allow said nuisance to exist or fail to abate said nuisance, they, and each of them, upon conviction thereof, shall be fined not more than fifty dollars ($50.00) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. (1991 Code, § 13-509)
TITLE 14

ZONING AND LAND USE CONTROL

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

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
14-102. Organization, powers, duties, etc.
14-103. Additional powers.

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 ten (10) members. One (1) member shall be the mayor of the municipality and one member shall be a councilman selected by the city council. The other eight (8) 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 eight (8) appointive members of the planning commission shall be for terms of eight (8) years each. The eight (8) members first appointed shall be appointed for terms of one, two, three, four, five, six, seven and eight years respectively so that the term of one member expires each year. The terms of the mayor and the member selected from the city council shall run concurrently with their terms of office on the council. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor who shall also have authority to remove any appointive member at his pleasure. (1991 Code, § 14-101)

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. (1991 Code, § 14-102)
14-103. **Additional powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1991 Code, § 14-103)
CHAPTER 2

ZONING ORDINANCE

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Kingston shall be governed by Ordinance Number 84-3-8, titled "Zoning Ordinance Kingston, Tennessee," and any amendments thereto, which are adopted by reference as if fully set out herein.¹(1991 Code, § 14-201)

¹Ordinance No. 84-3-8, and any amendments thereto, are published as separate documents and are of record in the office of the city clerk.
CHAPTER 3

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION
14-301. Statutory authorization, findings of fact, purpose and objectives.
14-302. Definitions.
14-304. Administration.

14-301. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in the Private Acts of 1972, Chapter 298 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Kingston, Tennessee Mayor and its City Council does ordain as follows:

(2) Findings of fact. (a) The City of Kingston, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (C.F.R.), ch. 1, section 60.3.

(b) Areas of the City of Kingston, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #11-5-10-5, June 2011)

14-302. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer
amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
   (a) The overflow of inland or tidal waters.
   (b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHB M)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.
(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights.
greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:
   (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
   (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
   (c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
   (d) Individually listed on the City of Kingston, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
       (i) By the approved Tennessee program as determined by the Secretary of the Interior; or
       (ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHB) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:
(a) Built on a single chassis;
(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck;
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency." The Tennessee Department of Economic and Community Development’s Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.
(58) "Structure" for purposes of this ordinance means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #11-5-10-5, June 2011)
14-303. **General provisions.** (1) **Application.** This ordinance shall apply to all areas within the incorporated area of the City of Kingston, Tennessee.

(2) **Basis for establishing the areas of special flood hazard.** The areas of special flood hazard identified on the City of Kingston, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), community panel numbers 47145C0115F, 47145C0120F, and 47145C0235F, dated September 28, 2007, and panels 47145C0094G, 47145C0113G, 47145C0206G, 47145C0207G, 47145C0210G, 47145C0226G, and 47145C0230G, dated November 18, 2009 along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) **Requirement for development permit.** A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) **Compliance.** No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) **Abrogation and greater restrictions.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) **Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) **Warning and disclaimer of liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Kingston, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) **Penalties for violation.** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by
Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Kingston, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #11-5-10-5, June 2011)

14-304. Administration. (1) Designation of ordinance administrator. The building official is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-305(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest
floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-304(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-304(2).

(h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee
registered professional engineer or architect, in accordance with § 14-304(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Kingston, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #11-5-10-5, June 2011)

14-305. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-305(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-305(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the
administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1') foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-305(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(1) Individual lots or parcels;

(2) In expansions to existing manufactured home parks or subdivisions; or

(3) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-302).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-305(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:
(A) Be on the site for fewer than one hundred eighty (180) consecutive days;
(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system; attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-305(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-303(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during
the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Kingston, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-303(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-305(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or
floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-305(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Kingston, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2). Within approximate A Zones, require that those subsections of § 14-305(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-303(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-305(1) and (2), apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRM, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-305(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be
floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-304(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(6) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-304 and 14-305 shall apply.

(8) Standards for unmapped streams. Located within the City of Kingston, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-304 and 14-305. (as added by Ord. #11-5-10-5, June 2011)


(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years, respectively.
Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars ($100.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than twenty (20) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Kingston, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance.
to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections, of this ordinance, and:

1. The danger that materials may be swept onto other property to the injury of others;
2. The danger to life and property due to flooding or erosion;
3. The susceptibility of the proposed facility and its contents to flood damage;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of floodplain review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(2) Conditions for variances. (a) Variances shall be issued upon a
determination that the variance is the minimum relief necessary,
considering the flood hazard and the factors listed in § 14-306(1).

(b) Variances shall only be issued upon: a showing of good and
sufficient cause, a determination that failure to grant the variance would
result in exceptional hardship; or a determination that the granting of a
variance will not result in increased flood heights, additional threats to
public safety, extraordinary public expense, create nuisance, cause fraud
on or victimization of the public, or conflict with existing local laws or
ordinances.

(c) Any applicant to whom a variance is granted shall be given
written notice that the issuance of a variance to construct a structure
below the base flood elevation will result in increased premium rates for
flood insurance (as high as twenty-five dollars ($25.00) for one hundred
dollars ($100.00)) coverage, and that such construction below the base
flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal
actions and report any variances to FEMA upon request. (as added by
Ord. #11-5-10-5, June 2011)

14-307. Legal status provisions. (1) Conflict with other ordinances.
In case of conflict between this ordinance or any part thereof, and the whole or
part of any existing or future ordinance of the City of Kingston, Tennessee, the
most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this
ordinance shall be held to be invalid or unconstitutional by any court of
competent jurisdiction, such holding shall not affect any other section, clause,
provision, or portion of this ordinance which is not of itself invalid or
unconstitutional.

(3) Effective date. The ordinance comprising this chapter shall become
effective immediately after its passage, in accordance with the Charter of the
City of Kingston, Tennessee, and the public welfare demanding it. (as added by
Ord. #11-5-10-5, June 2011)
TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

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

CHAPTER 1

MISCELLANEOUS

SECTION
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. Driving under the influence.
15-105. One-way streets.
15-106. Unlaned streets.
15-107. Laned streets.
15-108. Yellow lines.
15-109. Miscellaneous traffic control signs, etc.
15-110. General requirements for traffic control signs, etc.
15-111. Traffic control sign placement; unauthorized signs prohibited.
15-112. Presumption with respect to traffic control signs, etc.
15-113. School safety patrols.
15-114. Driving through funerals or other processions.
15-118. Projections from the rear of vehicles.
15-120. Vehicles and operators to be licensed.
15-121. Passing.

1Municipal code reference
   Excavations and obstructions in streets, etc.: title 16.
   Parking lot paving requirements: title 16, chapter 3.
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. (1991 Code, § 15-101)

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. (1991 Code, § 15-102)

15-103. **Reckless driving.** (1) 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.

   (2) Any person operating a vehicle on the highway shall give his full time and entire attention to the operation of the vehicle.

   (3) It shall be unlawful for any person to operate a vehicle in a careless, inattentive or imprudent manner, without due regard for the width, grade, curves, corners, traffic, weather and road conditions and all other attendant circumstances or to drive a vehicle on either public or private property in the city without the care and caution of a reasonably prudent person under the circumstances then and there existing, or in a manner so as to endanger or be likely to endanger any person or property. (1991 Code, § 15-103)


15-105. **One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1991 Code, §15-105)

15-106. **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.
(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1991 Code, § 15-106)

15-107. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1991 Code, § 15-107)

15-108. 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. (1991 Code, § 15-108)

15-109. 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 willfully to violate or fail to comply with the reasonable directions of any police officer. (1991 Code, § 15-109)

15-110. 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

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: sections 15-505--15-509.
15-4

Highways, 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. (1991 Code, § 15-110)

15-111. Traffic control sign placement; unauthorized signs prohibited. (1) Traffic sign placement. The control of traffic and parking shall be directly under the authority of the city council. The placement of all pedestrian and traffic control signs and markers on any city street shall be at the direction of the city manager. No company, organization, individual or commission shall place or cause to be placed any sign regulating parking, traffic flow or pedestrian movement on any city street or alley.

All existing signs limiting or forbidding parking which have been placed by the police department or the street department of the City of Kingston or the Department of Transportation of the State of Tennessee as of the date hereof are expressly authorized.

(2) Unauthorized signs and imitations prohibited. 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 railroad sign or signal. (1991 Code, § 15-111, modified)

15-112. 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 city authority. (1991 Code, § 15-112)

15-113. 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. (1991 Code, § 15-113)

15-114. 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

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1This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.
they are in motion and when such vehicles are conspicuously designated. (1991 Code, § 15-114)

15-115. **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. (1991 Code, § 15-115)

15-116. **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. (1991 Code, § 15-116)

15-117. **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. (1991 Code, § 15-117)

15-118. **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. (1991 Code, § 15-118)

15-119. **Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1991 Code, § 15-119)

15-120. **Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1991 Code, § 15-120)

15-121. **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. (1991 Code, § 15-121)

15-122. **Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.** (1) **Definitions.** For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

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

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

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.
(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

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

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

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

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

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

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent, guardian or guardian, knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1991 Code, § 15-122)

15-123. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions. (a) "Adult" shall mean any person eighteen (18) years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.
"Juvenile" as used in this chapter shall mean a person less than eighteen (18) years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Kingston unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city. (1991 Code, § 15-123)

15-124. "Rules of the Road"; statutes of the State of Tennessee adopted. (1) Pursuant to the authority of Tennessee Code Annotated, § 55-10-307, the City of Kingston hereby adopts by reference as part of this chapter, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-180, §§ 55-10-101--55-10-310, § 55-50-301, § 55-50-302, § 55-50-304, § 55-50-305, § 55-50-311, § 55-10-312, and § 55-12-139, and are designated and declared to be offenses against the City of Kingston. Any violation of any law within the corporate limits of the City of Kingston is also a violation of this section.

(2) All fines, penalties and forfeitures of bonds imposed or collected under the terms of Tennessee Code Annotated, § 55-50-311 and § 55-50-312 shall be paid over to the appropriate state agency as provided in Tennessee Code Annotated, § 55-50-604. (1991 Code, § 15-124)

15-125. Driver safety course. (1) There is hereby established a driver education program. The program will be administered by the City Manager of the City of Kingston in accordance with the provisions of Tennessee Code Annotated, § 55-10-301, et seq., and as approved by the Tennessee Department of Safety. A copy of the program statement is attached to the code as Appendix B.¹

(2) The instructor for the program will be an employee of the city appointed by the city manager. (1991 Code, § 15-125)

¹See attachments to Ord. #4-10-12-2, Nov. 2004, in Appendix B of this code.
15-126. **Engine compression braking devices regulated.** (1) All truck tractor and semi-trailers operating within the City of Kingston shall conform to the visual exhaust system inspection requirements, 40 C.F.R. 202.22, of the Interstate Motor Carriers Noise Emission Standards.

(2) A motor vehicle does not conform to the visual exhaust system inspection requirements referenced in subsection (1) of this section if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

   (a) Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements;

   (b) Is not equipped with either a muffler or other noise dissipative device, such as turbo charger (supercharger driven by exhaust by gases); or

   (c) Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

(3) Violations of this section shall subject the offender to a fine of fifty dollars ($50.00).

(4) This section shall be supplemental to other noise control ordinances and regulations of the city, and shall be effective upon its final passage, the public welfare requiring it. (as added by Ord. #11-8-11, Dec. 2011)
CHAPTER 2

EMERGENCY VEHICLES

SECTION
15-201. Authorized emergency vehicles defined.
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. (1991 Code, § 15-201)

15-202. Operation of authorized emergency vehicles. (1) 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.

(2) 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.

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

(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. (1991 Code, § 15-125)

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. (1991 Code, § 15-203)

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. (1991 Code, § 15-204)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.
14-304. In congested areas.

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. (1991 Code, § 15-301)

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. (1991 Code, § 15-302)

15-303. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1991 Code, § 15-303)

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. (1991 Code, § 15-304)
CHAPTER 4

TURNING MOVEMENTS

SECTION
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.

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 (1991 Code, § 15-401)

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. (1991 Code, § 15-402)

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. (1991 Code, § 15-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1991 Code, § 15-404)


¹State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 5

STOPPING AND YIELDING

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

15-501. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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. (1991 Code, § 15-501)

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. (1991 Code, § 15-502)

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. (1991 Code, § 15-503)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the

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1Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.
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. (1991 Code, § 15-504)

15-505. 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. (1991 Code, § 15-505)

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

(1) Green alone, or "Go":
   (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
   (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":
   (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":
   (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally 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 shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.
(4) **Steady red with green arrow:**

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

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

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

(1991 Code, § 15-506)

15-507. **At flashing traffic control signals.** Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(1) **Flash ing 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.

(2) **Flash ing 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. (1991 Code, § 15-507)

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

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

(2) **Wait or Don't Walk.** No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1991 Code, § 15-508)

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. (1991 Code, § 15-509)

¹State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 6

PARKING

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1991 Code, § 15-601)

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'). (1991 Code, § 15-602)

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1Parking meters were eliminated by the city pursuant to ord. adopted 7/7/81.
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) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1991 Code, § 15-603)

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; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet (15') of a fire hydrant;
5. Within a pedestrian crosswalk;
6. Within twenty feet (20') of a crosswalk at an intersection;
7. Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
8. Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
9. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
11. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
12. In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, § 55-8-160(c). (1991 Code, § 15-604)

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. (1991 Code, § 15-605)

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. (1991 Code, § 15-606)
15-607. **Handicapped parking.** There is hereby established the following practices for regulating reserved parking for handicapped persons.

(1) The city is hereby authorized to designate, by the installation of appropriate signs, parking spaces for the exclusive use of handicapped persons in those areas where a significant demand for parking by such handicapped persons may exist upon city-owned property or upon public streets, alleys and travel ways within the city.

Any business, firm, or other person transacting business with the public from a permanent location may provide specially marked parking spaces upon private property for the exclusive use of persons qualifying for the rights and privileges extended to handicapped persons by this section.

Each such parking space so designated in accordance with the provisions of this section, either on public or private property, shall be marked and maintained with the stylized wheelchair symbol designated by Tennessee Code Annotated, § 55-21-104. Provided, however, nonconforming markings or signs shall be acceptable during the useful life of such markings or signs which may not be extended by other than normal maintenance so long as such marking or signs provide reasonable notice of the specially marked parking spaces.

(2) It shall be unlawful for any person, except a handicapped driver who meets the requirements for the issuance of a distinguishing placard or license plates, disabled veteran's license plate or distress flag or card as provided in Tennessee Code Annotated, § 55-21-101, et seq., and who displays said distinguishing license plate, placard or card or for any person transporting a handicapped person by vehicle designated for the transportation of handicapped persons, to park in any parking space designated with the wheelchair disabled sign.

(3) It shall be unlawful for any person operating a vehicle bearing the universal access symbol, to-wit: the blue and white wheelchair disabled sign, to park in any space designated for handicapped drivers and for vehicles designated for the transportation of handicapped persons except when actually engaged in the transportation of handicapped persons as defined in this section.

(4) **Definitions.** (a) "Handicapped driver." For the purposes of this section, a handicapped driver is one who is disabled by paraplegia, amputation of leg, foot or both hands, or is disabled by loss of use of a leg, foot or both hands, or other conditions, certified to by a physician duly licensed to practice medicine, resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, including impairments that, regardless of cause or manifestation, confine such person to a wheelchair or cause such person to walk with difficulty or insecurity and the term includes but is not limited to those persons using braces or crutches, arthritics, spastics and those with pulmonary or cardiac ills who may be semi-ambulatory. For the purpose of this section, a handicapped driver shall
also include the owner of a motor vehicle which owner has vision of not more than 20/200 with correcting glasses.

(b) "Vehicles designated for transportation of handicapped persons." Any vehicle bearing the universal symbol of access, to-wit: the blue and white wheelchair disabled sign, being used to chauffeur or otherwise transport handicapped persons, is a vehicle designated for transportation of handicapped persons. Said handicapped persons, for the purposes of this section, are persons who are handicapped to the same degree of physical disability or impairment as a handicapped driver as defined in subsection (a) above.

(5) Any person violating any provisions of this section shall be guilty of an offense and, upon conviction, shall pay a penalty of not more than fifty dollars ($50.00) for each offense. (1991 Code, § 15-607)
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.
15-706. Deposit of driver license in lieu of bail.

15-701. Issuance of traffic citations. When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1991 Code, § 15-701)

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. (1991 Code, § 15-702)

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 thirty (30) days during the hours and at a place specified in the citation.

1 Municipal code reference
Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.
State law reference
For parking violations the offender may waive his right to a judicial hearing and have charges disposed of out of court, but the fine shall be ten dollars ($10.00) for each violation, except for the violation of parking in a handicapped parking space, for which the offender may be punished according to the ordinance regulating the use of handicapped parking spaces. (1991 Code, § 15-703)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1991 Code, § 15-704)


15-706. Deposit of driver license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. The officer, or the court demanding bail, who receives any persons chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.
(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of Tennessee Code Annotated, § 55-7-401, et seq. (1991 Code, § 15-706)
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, except as authorized by city council.

It is unlawful for any person in any way to injure, damage or obstruct the rights of way, road beds, sides, ditches, culverts, or bridges of the streets within the city limits of the City of Kingston, Tennessee. (1991 Code, § 16-101)

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1 Municipal code reference

Related motor vehicle and traffic regulations: title 15.
16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (1991 Code, § 16-102)

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, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1991 Code, § 16-103)

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 (1991 Code, § 16-104)

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 city council after a finding that no hazard will be created by such banner or sign. (1991 Code, § 16-105)

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 law. (1991 Code, § 16-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1991 Code, § 16-107)

16-108. 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. (1991 Code, § 16-108)

¹Municipal code reference
Building code: title 12, chapter 1.
16-109. **Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1991 Code, § 16-109)

16-110. **Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets of the city without some responsible representative first securing a permit from the city manager. No permit shall be issued by the city manager unless such activity will not unreasonably interfere with the 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. (1991 Code, § 16-110)

16-111. **Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1991 Code, § 16-111)

16-112. **Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1991 Code, § 16-112)

16-113. **Street names, official streets and road maps.** There is hereby established an official system of street names in the City of Kingston as shown on the street index map of Kingston, Tennessee, dated 1984, as produced by the municipal planning commission, a copy of which is available for public use and inspection in the city clerk's office.

Names of streets in the City of Kingston shall remain as shown on said map unless officially changed by specific ordinance.

No new streets shall be accepted by the city nor municipal improvements made therein until such streets have been named. If they are extensions of existing streets, the existing names shall be continued. If they are not extensions, the names recorded shall not duplicate or closely approximate street names already assigned. The city shall maintain an official streets and roads map in the office of the city manager, and shall update said map as required. The showing or identification of streets, roads and rights-of-way on said map as public streets, roads or rights-of-way either open or unopened, shall not be construed to mean that the city will or is obligated to open, construct of
otherwise participate in the development of new streets beyond such acts such as inspections and other acts required to complete the public acceptance processes used by the city. (1991 Code, § 16-113)

16-114. City park hours regulated. Southwest Point and Kingston City Park and facilities contained thereon are closed for public use during the hours from 11:00 P.M. to 6:00 A.M. It shall be unlawful for any person to use Kingston City Park and Southwest Point property or facilities during said hours, except for public participation or attendance during activities or events specifically authorized by the city manager. (1991 Code, § 16-115)

16-115. Skates and skateboards regulated. (1) Definitions. As used in the interpretation of this section, the following words shall have the meanings assigned to them:
   (a) "Skates" and "roller skates." Devices fastened to or worn upon the feet for riding upon, generally known as "roller skates." The term shall include devices known as "center skates," and roller skates of any kind and description regardless of the number, location and configuration of the wheels.
   (b) "Skateboard." A foot board mounted upon one or more wheels designed for riding upon, usually by, but not limited to, standing.
   (2) Use on public sidewalk prohibited. It shall be unlawful for any person to ride upon skates or skateboards on the public sidewalks anywhere in the city. (1991 Code, § 16-116)
CHAPTER 2

EXCAVATIONS

SECTION
16-201. Permit required.
16-203. Fee.
16-204. Deposit.
16-205. Safety restrictions on excavations.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.
16-211. Plans for driveway cuts.
16-212. Maximum slope.
16-213. Paving.

16-201. **Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city manager is open for business, and the permit shall be retroactive to the date when the work was begun. (1991 Code, § 16-201)

16-202. **Applications.** Applications for such permits shall be made to the city manager, or such person as he may designate to receive such

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1Municipal code reference
Grading and excavation code: title 12, chapter 4.
State law reference
This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).
applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing. (1991 Code, § 16-202)

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. (1991 Code, § 16-203)

16-204. Deposit. No such permit shall be issued unless and until the applicant therefor has deposited with the city manager a cash deposit in the sum of twenty-five dollars ($25.00), if no pavement is involved, and seventy-five dollars ($75.00) if the excavation is in a paved area, to insure the proper restoration of the ground and laying of the pavement, if any, except that where the amount of the deposit is clearly inadequate to cover the cost of relaying the surface of the ground or pavement the city manager 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 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. (1991 Code, § 16-204)

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1991 Code, § 16-205)

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 city manager 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. (1991 Code, § 16-206)

16-207. **Insurance.** In addition to making the deposit hereinbefore provided to be made, each person applying for such a 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 city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than one hundred thirty thousand dollars ($130,000.00) for each person and three hundred fifty thousand dollars ($350,000.00) for each accident and the liability insurance for property damages shall be in an amount not less than fifty thousand dollars ($50,000.00). (1991 Code, § 16-207)

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 city manager. (1991 Code, § 16-208)

16-209. **Supervision.** The person designated by the city manager 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. (1991 Code, § 16-209)
16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb, sidewalk or public right-of-way without first obtaining a permit from the city manager. Such a permit will not be issued when the contemplated driveway is to be 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 out into the street. (1991 Code, § 16-210)

16-211. Plans for driveway cuts. All plans submitted to the building inspector for construction within the City of Kingston, both residential and commercial, shall include plans for the driveways to be constructed and used in conjunction with the proposed structure or structures. Said plans shall include the number of driveway cuts, the length and width of same, as well as the grade of the driveways. Adequate drainage tile shall be required, when needed, based upon the drainage area to be served. Said size shall be determined by the Director of Public Works, and included upon the building permit. (1991 Code § 16-211)

16-212. Maximum slope. No portion of a driveway slope shall exceed fifteen percent (15%) slope within the required set back area as determined by the Zoning Ordinance, however, this provision shall not apply to existing lots of record with street frontage of less than fifty feet (50') or lots which have a topographical slope greater than thirty percent (30%). (1991 Code, § 16-212)

16-213. Paving. All driveways shall be constructed level with the roadway within the right-of-way and shall be paved with asphalt, concrete or other permanent paving a distance of twenty feet (20') beginning at the edge of the road paving with a minimum width of ten feet (10'). This paving shall be done as completion of construction and weather permits and under no circumstances more than six (6) months after completion. (1991 Code, § 16-213)
CHAPTER 3

PARKING LOT PAVING REQUIREMENTS

SECTION
16-301. Purpose.
16-302. Definitions.
16-304. Permit required.
16-305. Alternative methods and materials.

16-301. Purpose. The purpose of this chapter is to require all driveways and parking areas and lots to be constructed with such methods and materials that the driveways or parking lots will be able to stand up to all anticipated uses and to all anticipated weather conditions, without significant damage. By use of currently prepared specifications, the city will authorize use of current knowledge of materials and methods. (1991 Code, § 16-301)

16-302. Definitions. As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
   (1) "City." The City of Kingston.
   (2) "Driveway." Any area intended to be utilized as access from a public way or private easement to a public or private structure or parking lot.
   (3) "Parking lot." Any area intended for parking of motor vehicles as an accessory to any use, including but not limited to single-family residences and residence buildings for fewer than four (4) families.
   (4) "Driveway or parking lot pavement." Any surface, plus the materials, if any, under the surface, constructed as a parking lot on the ground. (1991 Code, § 16-302)

16-303. Engineering specifications. All driveways or parking lots shall be of either asphalt or concrete construction only. Asphalt driveways or parking lots shall be constructed upon land with a subsurface sufficient to support the paving material and shall be paved to a compacted depth of not less than one and one-half (1 1/2) inches, and concrete driveways must be poured with a minimum thickness of four inches (4"). All driveways shall not be less than twelve feet (12') in width and shall run from the pavement line on the street frontage of each tract to the structure located upon the individual tract. Each driveway or parking lot constructed after the effective date of this chapter shall conform to the requirements set out in these specifications. The provisions of this section shall apply to all driveways or parking lots located within the city, whether publicly or privately owned. (1991 Code, § 16-303)
16-304. **Permit required.** No person, firm or corporation shall construct any driveway or parking lot pavement without obtaining a permit for such construction. The contractor constructing the driveway or parking lot shall have the responsibility of obtaining such permit. When the driveway or parking lot is being constructed as a part of a project where a building permit is required, the building permit shall encompass the permit for parking lot or driveway construction and no separate permit or fee shall be required. For all other cases, the fee for such permit shall be twenty-five dollars ($25.00). Applications for such permits and processing of such applications shall be done in the manner provided for applications for building permits. (1991 Code, § 16-304)

16-305. **Alternative methods and materials.** Any applicant for a permit may submit a proposal using different methods and materials than those set out in the specifications adopted by this chapter. Upon a showing by the applicant that the proposed methods and materials will withstand the same usage and weather conditions as the methods and materials authorized in the specifications, the alternate method shall be approved and the permit issued provided, however, that any method that has not been in use or undergoing testing under conditions similar to actual use for at least three (3) years shall not be approved in accordance with this chapter. (1991 Code, § 16-305)
CHAPTER 4

GATES AND BARRIERS

SECTION
16-401. Definitions.
16-402. Applicability of provisions.
16-403. Design standards.
16-404. Permit -- required when -- application.
16-405. Permit -- fee.
16-406. Permit -- issuance conditions.
16-407. Liability limitations.
16-408. Inspection authority.
16-409. Maintenance and repair -- responsibility.

16-401. Definitions. Unless otherwise specifically defined, the terms used in this chapter shall have the following meanings:
  (1) "Building inspector" means that official designated by the City of Kingston to issue building permits.
  (2) "City" means the City of Kingston.
  (3) "Fire chief" means the fire chief of the Fire Department of the City of Kingston.
  (4) "Gate" means a moveable barrier designed and constructed to prohibit or limit motor vehicle access from private property to a public street. (Ord. #8-2-12, March 2008)

16-402. Applicability of provisions. (1) The provisions of this chapter shall apply to all gates which are designed and constructed on private property and are intended to limit or restrict motor vehicle access to a public street or thoroughfare except as set out in subsection (2).
  (2) The provisions of this chapter shall not apply to the following:
    (a) Gates restricting access to where there are no structures or improvements located thereon;
    (b) Gates providing access to private property used solely for agricultural or farming purposes;
    (c) Gates on private streets or driveways serving only one residential dwelling;
    (d) Gates attended by an operator at all times when the gate is in a closed position;
    (e) Gates where there is an alternative and unobstructed access satisfactory to the city. (Ord. #8-2-12, March 2008)
16-403. **Design standards.** All gate installations must satisfy either of
the following design standards:

1. A turnaround shall be provided adjacent to the gate. The
turnaround shall allow passenger and local delivery vehicles to exit the site
without backing. The turnaround need not be designed or adequate for tractor
trailer use.

2. A sign shall be located at a point visible from the public roadway
indicating "locked gate ahead."

3. All gates shall be equipped with an opening system approved by the
city which may include but not be limited to such of the following as the fire
chief deems appropriate: siren activation, key pad system, an approved lock box
with toggle switch, house activation by residents through phone, intercom,
magnetic card or other approved system.

   (a) If a gate is to be assessed by emergency services using siren
   activation, the gate timer shall be set to remain open for a minimum of
   five minutes.

   (b) If a pass code is used an approved four (4) digit pass code
   shall be provided for police and fire and a separate approved pass code
   shall be provided for public works. Access using key pad pass codes shall
   not be required to lock the gate open. Protocol access (#,* ) shall be
   noted/displayed on the access pad.

   (c) Pass codes or any other necessary access items shall be
   furnished at the homeowner's association or responsible owner's expense
   as needed by local fire, police and public works departments.

4. All gates shall include an activation system for use by the owners
of property located on the street. This system shall operate independently of the
emergency access system, and may utilize key pads, magnetic cards, radio
transmitters, cameras or other mechanisms approved by the city.

5. All gates shall include an auxiliary power supply which shall
automatically lock the gate open in the event of a power outage.

6. There shall be an unlocked pedestrian access in all residential
developments.

7. Gates shall be constructed of materials approved by the city.

8. If the gate swings open, the gate shall be constructed in a manner
so as to allow viewing of obstructions located within the swing path of the gate.

9. Tire puncture devices shall be prohibited.

10. Gate width for each travel lane shall be equal to the right of way
width.

11. Gate design shall be provided to the building inspector and fire
chief. (Ord. #8-2-12, March 2008)

16-404. **Permit -- required when -- application.** (1) Except as
provided in § 16-402(2), any person desiring to install a gate shall obtain an
application form from the building inspector. The applicant shall submit a completed application and supply the following information:

(a) A vicinity and site map of the proposed location for the gate.
(b) A plan view and elevation of the gate installation illustrating gate dimensions and the direction of the swing path for the gate.
(c) A plan view of the gate turnaround.
(d) The location of the access-control panel.
(e) Control systems information, spec sheets, etc.
(f) The name, address and phone number of the applicant.
(g) The written consent of all property owners affected by the restricted access. A homeowner's association owning and maintaining roads within a development may consent for its membership. In all other instances, consent must be given individually by each property owner affected by the restricted access.
(h) Such other information as may be required by the building inspector and/or the fire chief.

(2) The applications shall be signed and dated by the applicant.  
(Ord. #8-2-12, March 2008)

16-405. Permit -- fee. Any person submitting an application for a gate shall pay permit fee at the time of submittal of the application. These fees shall be in addition to any other permit, development, or construction fees for the development.  
(Ord. #8-2-12, March 2008)

16-406. Permit -- issuance conditions. Upon receipt of properly completed applications for a gate installation together with the application fees, the building inspector shall issue permit authorizing the installation, construction and acceptance of the gate.

After the effective date of the ordinance comprising this chapter, construction or installation of gates shall not commence until building inspector and the fire chief or their designees have completed reviews and issued permits.  
(Ord. #8-2-12, March 2008)

16-407. Liability limitations. The city shall have no liability for any damages to the gate resulting from city vehicles or personnel accessing the property, whether responding to actual or false emergencies. Any damage sustained by city vehicles due to the date installation shall be the responsibility of the party responsible for maintenance and repair of the gate.  
(Ord. #8-2-12, March 2008)

16-408. Inspection authority. The city shall have the right to inspect the gate on a periodic basis with being liable for trespass. Gate keys, cards, remotes, pass codes or any other gate function or activating device necessary for
emergency access shall not be changed or altered without prior approval of the building inspector and/or the fire chief. (Ord. #8-2-12, March 2008)

16-409. Maintenance and repair — responsibility. Maintenance and repair of the gate and related equipment shall be the responsibility of the applicant. The applicant may assign the obligation for maintenance and repair of the gate and related equipment to another person or entity, including a homeowner's association. In the event of such assignment, the applicant shall notify the building inspector. (Ord. #8-2-12, March 2008)

16-410. Maintenance and repair — time limit. (1) The party responsible for the maintenance and repair shall maintain it in accordance with the design criteria.

(2) If the emergency access features need repair or maintenance, the gate shall remain locked open until repairs or maintenance is completed. Failure to make repairs shall constitute a violation of the terms of the gate permit, and in such event the city may require a removal of the gate and related equipment. For any repairs affecting the emergency access features the inspection by the building inspector shall occur prior to gate returning to normal operation. (Ord. #8-2-12, March 2008)
CHAPTER 5

UNIFORM PROPERTY IDENTIFICATION SYSTEM

SECTION
16-501. Uniform numbering system
16-502. Assignment of street numbers.
16-503. Posting of designated street address.
16-504. New buildings and administration.
16-505. Penalties.

16-501. Uniform numbering system. (1) A uniform system is hereby established for numbering properties and principal buildings fronting on all public and private streets, avenues, boulevards, roads, lanes, alleys, and other ways in the City of Kingston, relying upon the maps and numbering system established by and found in the offices of the Roane County Communications Center, Emergency 911 of Roane County, Tennessee.

(2) The city hereby adopts the system of office of the Emergency 911 of Roane County, Tennessee. Any unincorporated area adjacent to the city may be permitted to be a part of or an extension of the city's property numbering system if approved by the local postmaster and respective governmental jurisdiction. (as added by Ord. #11-2-8, March 2011)

16-502. Assignment of street numbers. (1) Property numbers for all properties or parcels of land, dwelling units, or places of business shall be assigned by the E-911 Center.

(2) The owner, occupant, person or corporation occupying or responsible for any property, dwelling, or building to which a number has been assigned will be notified in writing by the E-911 Center of the assigned number after passage of this chapter.

(3) Odd numbers shall be assigned to the left-hand side of the street for any and all streets as they proceed outward from either base line, and even numbers shall be assigned to the right-hand side of the street.

(4) All existing numbers of property and buildings not in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within one (1) year from the date of passage of this chapter. (as added by Ord. #11-2-8, March 2011)

16-503. Posting of designated street address. (1) Each principal building shall display the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one (1) business or family dwelling unit, each separate front entrance may display a separate number.
(2) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be placed either over or at the side of the main entrance of said building or upon the front of any porch or stoop thereof or over or at the side of any gateway leading thereto, or upon the steps thereof in such a manner that the same may be plainly seen and distinguishable from the street on which the property is located and in such manner that the same shall not be hidden from view by an trees or shrubs or other obstructions.

(3) All building numbers displayed shall be permanent, legible figures not less than two and one-half inches (2 1/2") nor more than five inches (5") high and of a color contrasting to the building background.

(4) It shall be the duty of the owner or occupant or person in charge of each principal building upon affixing the new numbers to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the E-911 Center. (as added by Ord. #11-2-8, March 2011)

16-504. New buildings and administration. (1) The E-911 Center shall assign the number to each lot or tract which may be hereafter platted, and shall indicate the same upon an approved final subdivision plat.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the E-911 Center the official number of the premises. Final approval of a certificate of occupancy of any principal building erected or repaired after the adoption of this chapter shall be withheld until permanent and proper numbers have been displayed in accordance with § 16-503 hereof. (as added by Ord. #11-2-8, March 2011)

16-505. Penalties. In the event that an owner, occupant person, or corporation responsible for any parcel or unit or building refuses to comply with the terms herein stated by failing to affix the number assigned within one (1) year after adoption of this chapter or thirty (30) days after notification of assigned number, such person shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than fifty dollars ($50.00). Each day the unit or property is in violation of this chapter shall constitute a separate offense. (as added by Ord. #11-2-8, March 2011)
TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER
1. STORAGE AND COLLECTION.

CHAPTER 1

STORAGE AND COLLECTION

SECTION
17-102. Definitions.
17-103. Premises required to have collection service.
17-104. Collection by city.
17-105. Collection supervised by city manager.
17-106. Pre-collection practices.
17-108. Inspections.
17-110. Fees for garbage service.

17-101. Short title. This chapter shall be known and cited as the "Kingston Refuse Ordinance." (1991 Code, § 17-101)

17-102. Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Kingston.
(2) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
(3) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
(4) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes.
(5) "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.
"Premise" is the site of any dwelling, business, plant, or commercial establishment, including such establishment. (1975 Code, § 8-102, 1991 Code, § 17-102)

17-103. **Premises required to have collection service.** Every dwelling, business, plant, or other building or activity which causes or creates on its premises refuse, shall provide such dwelling, business, plant, building, or activity with a refuse collection service under the provisions of this chapter. (1991 Code, § 17-103)

17-104. **Collection by city.** All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city. No person shall convey over any of the streets or alleys of the city, or dispose of, any refuse accumulated in the city, except as noted hereafter:

1. **Exception for actual producers.** This chapter shall not prohibit the actual producer of refuse, or the owner of premises upon which refuse has accumulated, from personally collecting, conveying, and disposing of such refuse provided such producer or owner shall first apply to the city manager for a permit to so collect, convey, and dispose of refuse. Such application shall be in writing and shall contain an agreement by the applicant to comply with the requirements of this chapter concerning containers, methods of conveyance, and point of disposal.

2. **Exception for outside collectors.** This chapter shall not prohibit collectors of refuse collected outside of the city from hauling such refuse over city streets, provided such collectors are hauling such refuse in containers and vehicles of an approved type under the provisions of this chapter. (1991 Code § 17-104)

17-105. **Collection supervised by city manager.** All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city under the supervision of the city manager. The city manager shall have authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to collection, conveyance, and disposal as are necessary and to change and modify the same, provided that such regulations are not contrary to the provisions hereof.

Any person aggrieved by a regulation of the city manager shall have the right of appeal to the city council, the council shall have authority to confirm, modify, or revoke any such regulation, such decision to be final. (1991 Code, § 17-105)

17-106. **Pre-collection practices.** All customers shall observe the following practices:
(1) **Preparation of refuse.** (a) Garbage. All garbage, before being placed in garbage cans for collection, shall have drained from it all free liquids, and shall be wrapped in paper or other equivalent material.

(b) Rubbish. All rubbish shall be drained of liquid before being deposited for collection. Light rubbish such as grass clippings may be placed in the regular garbage containers. Bulky rubbish such as heavy brush trimmings, scrap lumber, and similar materials shall be bundled so as not to be more than eight feet (8') long nor to weigh more than seventy-five (75) pounds and shall be removed by special pickup at the request of the resident.

(2) **Refuse containers.** Refuse containers shall be provided by the owner, tenant, leesee, or occupant of the premises. Refuse containers shall be maintained in good order and repair. Any container that may have ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof, shall be properly replaced upon notice. The city manager shall have the authority to refuse collection service for failure to comply herewith. All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects or rodents.

Garbage containers shall be made of galvanized metal, or other material approved by the city manager, with handles on the sides and with tight fitting lids of the same material which shall not be removed except when depositing or removing the contents of the receptacle, and shall be water tight and rodent and fly proof.

Garbage containers shall have a capacity of not less than twenty (20) gallons nor more than thirty-two (32) gallons except that the maximum capacity shall not apply to commercial users of mechanically handled garbage storage containers.

(3) **Storing of refuse.** No person shall place any refuse in any street, alley, or other public place or upon any private property, whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the city manager. Nor shall any person throw or deposit any refuse in any stream or other body of water in the city.

Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) days after notice shall be deemed a violation of this chapter.

No person shall cast, place, sweep, or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or unoccupied vacant lot or other public place or into any occupied premise within the city.

(4) **Points of collection.** Refuse containers shall be placed for collection at ground level on the property, not within the right of way of a street or alley, and shall be accessible to and not more than ten feet (10') from the side of the
street or alley from which collection is made, provided that containers may be placed for collection at other than ground level and at a distance of more than ten feet (10') when approved by the city manager. (1991 Code, § 17-106)

17-107. Collection practices. All refuse shall be removed from private residences once each week, or as often as is deemed necessary by the city manager, and not less than once a week from businesses and institutions within the limits of the city unless otherwise directed by the city manager.

(1) Special refuse problems.
   (a) Contagious disease refuse. The removal of wearing apparel, mattresses or other bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the city manager. Such refuse shall not be placed in containers for regular collection.
   (b) Inflammable or explosive refuse. Highly inflammable or explosive materials, poisons, acids, and caustics shall not be placed in containers for regular collection but shall be disposed of at the expense of the owner or possessor as directed by the city manager.
   (c) Construction refuse. Quantities of refuse materials resulting from the repair, excavation, or construction of buildings, such as, but not limited to, broken concrete, dirt, sand, gravel, trees, tree limbs, wooden wastes, or any other nonputrescible materials shall be removed and disposed of by the contractor, owner, or person having same in charge by a method satisfactory to the city manager.
   (d) Materials not prepared in accordance with this chapter. Unless refuse shall be prepared for collection as provided in this chapter, it will be considered not acceptable for collection.
   (e) Industrial wastes. Solid wastes resulting from industrial processes shall be disposed of by the owner or possessor thereof under methods outlined by the city manager.
   (f) Dead animals. Dead animals shall not be placed in garbage containers for regular collection. Such animals shall be removed by special pickup on call to the city.

(2) Collection by actual producers and outside collectors.
   (a) Requirements for vehicles. The actual producers of refuse in the city, or the owners of premises in the city upon which refuse is accumulated, who desire to dispose of waste material not included in the definition of refuse, and collectors of refuse from outside the city who desire to haul over the streets of the city, shall use a vehicle or container provided with a cover so as to prevent offensive odors escaping therefrom and refuse or liquid from being blown, dropped, or spilled.
   (b) Disposal. Disposal of refuse produced in the city by persons so permitted under subsection (a) above shall be made at the landfill which the city has under contract, unless otherwise authorized by the
city manager. This does not authorize or permit any other person to use the said landfill unless permitted by the city manager upon payment of a fee fixed by the manager, and upon the presentation of a permit from the city manager to the operator of said landfill.

(c) Other regulations. The city manager shall have the authority to make such other reasonably regulations concerning individual collection and disposal and relating to the handling of refuse over city streets as may be necessary, subject to the right of appeal as set forth in § 17-105.

(3) Refuse is property of city. Refuse material set out for collection and/or deposited at the municipal disposal grounds shall be the property of the city. Any scavenging, scattering, collecting, or pilfering of refuse in any way is prohibited except by written permission from the city manager.

(4) Rubbish pick-up fees. Rubbish pick-ups will be made upon request and free of charge during the first two weeks in April and the first two weeks in November. All other requests for rubbish pick-ups must be accompanied by a payment by the applicant of twenty dollars ($20.00) per pick-up. (1991 Code, § 17-107)

17-108. Inspections. The city manager or his authorized agent is hereby directed to make all necessary inspections and investigations of any and all premises to insure compliance with the terms of this chapter. (1991 Code, § 14-108)

17-109. Abatement of nuisances. Any dwelling, business house, or other structure in the City of Kingston about which refuse accumulates which is not provided with refuse collection service by the City of Kingston or by the owner or producer in compliance with this chapter is hereby declared to be a public nuisance dangerous to the public health, safety, convenience, and welfare and may be abated as other public nuisances. (1991 Code, § 17-109)

17-110. Fees for garbage service. (1) Fees for collection by city. The city shall make a charge for the expenses related to the collection of garbage and refuse in the city. The fees for such collections shall be paid monthly in advance and shall be as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family residence</td>
<td>$7.00 Per month</td>
</tr>
<tr>
<td>Multiple family units</td>
<td>$7.00 Per month for each housekeeping unit</td>
</tr>
<tr>
<td>Business and commercial</td>
<td></td>
</tr>
<tr>
<td>Small enterprise</td>
<td>$12.00 Per month</td>
</tr>
<tr>
<td>Medium enterprise</td>
<td>$18.00 Per month</td>
</tr>
<tr>
<td>Food service</td>
<td>$36.00 Per month</td>
</tr>
<tr>
<td>Motel</td>
<td>$72.00 Per month</td>
</tr>
</tbody>
</table>
Industrial $72.00 Per month

The fees set forth shall be waived as to any actual producer of refuse or owner of premises who obtains a permit for disposal of such refuse as provided for in § 17-104 of the Kingston City Code.

(2) Limitation of amounts. Whenever the collections of garbage from any establishment or place shall exceed the six to thirty-two (6-32) gallon containers per week or weight for such a place or require additional collection beyond one pickup each week, so that the fee prescribed for such collection is not fair and reasonable as applied to that particular place, the city manager shall contract with the owner or producer for the fee for such additional service.

(3) Garbage collection fee. The garbage collection fee for those households occupied by persons eligible to receive property tax relief in the City of Kingston pursuant to the provisions of Tennessee Code Annotated, §§ 67-5-701 through 67-5-704 shall be set at five dollars ($5.00) per month.

The city clerk be, and she is hereby, directed to determine from the property tax records those households which will be eligible for the special garbage collection fee and bill the appropriate customers accordingly. (1991 Code, § 17-110, as amended by Ord. #8-7-8, Aug. 2008)
TITLE 18

WATER AND SEWERS

CHAPTER

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. WASTEWATER REGULATIONS.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWER SYSTEM ADMINISTRATION

SECTION

18-101. City council to operate systems.
18-102. Rates and charges.
18-103. Fluoridation of water supply.
18-104. Water shortage emergencies.
18-105. Service charge.
18-106. Final payment.
18-108. Tap fees.

18-101. City council to operate systems. The city council of the City of Kingston elects, pursuant to the provisions of Tennessee Code Annotated, title 7, chapter 35 to perform the duties required of the board of commissioners under that law. The city council shall have all the powers, duties and responsibilities imposed upon the board of commissioners by state law and all references to the board of commissioners in said statute or the ordinances of the city shall refer to the city council acting in the capacity of such board of commissioners. (1991 Code, § 18-101)

18-102. Rates and charges. All water and sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution. (1991 Code, § 18-102)
18-103. Fluoridation of water supply. The water department of the City of Kingston, Tennessee, is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Kingston and to add such chemicals as fluoride to the water supply.

The cost of such fluoridation will be borne by the revenues of the water system. (1991 Code, § 18-103, modified)

18-104. Water shortage emergencies. The mayor is hereby authorized to declare a water shortage emergency when in his opinion such an emergency exists. When he declares a water shortage emergency it shall be unlawful for any person to use city water for washing automobiles, sprinkling gardens and lawns, or for any purpose other than ordinary household and domestic uses. A notice published in any newspaper generally circulated in the county or a notice posted in three (3) conspicuous places within the corporate limits shall be sufficient notice that such an emergency exists and has been declared. (1991 Code, § 18-104)

18-105. Service charge. New customers shall be required to pay to the Kingston Water and Sewer Department a non-refundable service charge of $65.00 prior to the establishment of service. (1991 Code § 18-105)

18-106. Final payment. Customer accounts shall be finalized upon request. Any meter deposit which might be held by the city on behalf of existing customers shall be applied to the final bill with the balance being either forwarded or billed, whichever is appropriate, to the customer for final payment. (1991 Code, § 18-106)

18-107. Discontinuance of service for non-payment. Customers who fail to pay their water and/or sewer account by the deadline established by a "Final Notice," shall be subject to the discontinuance of service without further notice. In the event service is discontinued for non-payment, the customer must pay a reconnect fee under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution in addition to the outstanding balance of their account before service will be restored. (1991 Code, § 18-107, modified)

18-108. Tap fees. Tap fees are based upon the actual cost incurred by the city for installing the service connection. The customer shall pay a tap fee as follows: Upon application for a new service connection, the customer shall deposit with the water department an amount equal to the estimated cost of the materials for the making of tap, including the service charge required above. Upon completion of installation of the service connection the customer shall pay the balance (if the deposit is insufficient) or be refunded any excess of the deposit, whichever is appropriate. As a part of the tap fee the applicant shall
also pay a user fee under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution. (1991 Code, § 18-108, modified)
CHAPTER 2
WASTEWATER REGULATIONS

SECTION
18-201. Purpose and policy.
18-203. Connection to public sewers.
18-204. Private domestic wastewater disposal.
18-205. Regulation of holding tank waste disposal.
18-206. Application for domestic wastewater discharge and industrial wastewater discharge permits.
18-207. Discharge regulations.
18-208. Industrial user monitoring, inspection reports, records access, and safety.
18-209. Enforcement and abatement.
18-210. Penalties; costs.
18-211. Fees and billing.
18-212. Validity.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Kingston, Tennessee, wastewater treatment system. The objectives of this chapter are:

1. To protect the public health;
2. To provide problem free wastewater collection and treatment service;
3. To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;
4. To provide for full and equitable distribution of the cost of the wastewater treatment system;
5. To enable the city to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal, state laws and regulations;
6. To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the city of must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The
chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the city manager of the city shall administer, implement, and enforce the provisions of this chapter. (1991 Code, § 18-201)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.

(2) "Approval authority." The director in an NPDES state with an approved State pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees (20°) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard.

(7) "City." The City of Kingston or the City Council, City of Kingston, Tennessee.

(8) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater
treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(9) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(10) "Control authority." The term "control authority" shall refer to the "Approval authority," defined hereinabove; or the city council if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

(11) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(12) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(14) "Environmental Protection Agency, or EPA." The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(15) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(16) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(18) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(21) "Interference." The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic
Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NPDES (National Pollution Discharge Elimination System." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Federal Water Pollution Control Act as amended.

(24) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard if thereafter promulgated within one hundred twenty (120) days of proposal in the federal register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(25) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(26) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(28) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.

(29) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except as prohibited by 40 CFR section 40.36(d).
(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city users of the city's POTW.

(32) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" is mandatory; May is permissive.

(34) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.


(37) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the city manager.

(39) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(40) "Superintendent." The city manager or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(41) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(42) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24)
hour period in which the portions of a sample are proportioned to the flow and
combined to form a representative sample.

(43) "User." Any person who contributes, causes or permits the
contribution of wastewater into the city's POTW.

(44) "Wastewater." The liquid and water-carried industrial or domestic
wastes from dwellings, commercial buildings, industrial facilities, and
institutions, whether treated or untreated, which is contributed into or
permitted to enter the POTW.

(45) "Wastewater treatment systems." Defined the same as POTW.

(46) "Waters of the state." All streams, lakes, ponds, marshes,
watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems,
drainage systems, and other bodies of accumulation of water, surface or
underground, natural or artificial, public or private, that are contained within,
flow through, or border upon the state or any portion thereof. (1991 Code,
§ 18-202)

18-203. Connection to public sewers. (1) Requirements for proper
wastewater disposal. (a) It shall be unlawful for any person to place,
deposit, or permit to be deposited in any unsanitary manner on public or
private property within the service area of the city, any human or animal
excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state
within the service area of the city any sewage or other polluted waters,
except where suitable treatment has been provided in accordance with
provisions of this chapter.

(c) Except as herein provided, it shall be unlawful to construct
or maintain any privy, privy vault, septic tank, cesspool, or other facility
intended or used for the disposal of sewage.

(d) Except as provided in § 18-203(1)(e) below, the owner of all
houses, buildings, or properties used for human occupancy, employment,
recreation, or other purposes situated within the service area in which
there is now located or may in the future be located a public sanitary
sewer, is hereby required at his expense to install suitable toilet facilities
therein, and to connect such facilities directly with the proper public
sewer in accordance with the provisions of the chapter, within sixty (60)
days after date of official notice to do so, provided that said public sewer
is within five hundred feet (500') of the property line over public access.
From and after the time proper public sewer becomes available, the
owner shall be responsible for the payment of sewer rates under such rate
schedules as the city may from time to time adopt by appropriate
ordinance or resolution.

(e) The owner of a manufacturing facility may discharge
wastewater to the waters of the state provided that he obtains an NPDES
permit and meets all requirements of the Federal Clean Water Act, the
NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-204 of this chapter.

(2) Physical connection public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first obtaining a written permit from the city council as required by § 18-206 of this chapter.

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city council. A connection fee shall be paid to the city at the time the application is filed.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the city manager to meet all requirements of this chapter. All others may be sealed to the specifications of the city council.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows:

- Conventional sewer system - Four inches (4”).
- Small diameter gravity sewer - Two inches (2”).
- Septic tank effluent pump - One and one quarter inches (1-1/4”).

Where the septic tanks becomes an integral part of the collection and treatment system, the minimum size influent line shall be four inches (4”) and the minimum size of septic tank shall be one thousand (1,000) gallons. Septic tanks shall be constructed of polyethylene and protected from flotation. The city shall have the right, privilege, and authority to locate, inspect, operate, and
maintain septic tanks which are an integral part of the collection and treatment system.

(ii) The minimum depth of a building sewer shall be eighteen inches (18")

(iii) Building sewers shall be laid on the following grades:
Four inch (4") sewers - one-eighth inch (1/8") per foot.
Two inch (2") sewers - three-eighths inch (3/8") per foot.
Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2.0') per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of ductile iron pipe class 50 or above or polyvinyl chloride pipe SDR-35 for gravity sewers and SDR-21 for pressure sewers. Joints shall be rubber or neoprene "o" ring compression joints. No other joints shall be acceptable.

(vi) A cleanout shall be located five feet (5') outside of the building, one (1) as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five (45) degrees. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wy) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(vii) Connections of building sewers to the public sewer system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the city manager. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or
other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a pump and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the city manager before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the city manager or his authorized representative.

(b) The applicant for discharge shall notify the city manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city manager or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the city manager to meet specifications of the city. (1991 Code, § 18-203)

18-204. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth inch (1/8") per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-203, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(8).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the city manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the county health department.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the city and the county health department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the county health department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and the county health department. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the city and the county health department when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and the county health department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and Environment of the State of Tennessee, the city and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When the public sewer becomes available, the building sewer, or the septic tank effluent line shall be connected to the public sewer within sixty (60) days of the date of availability and the private sewage disposal system should be cleaned of sludge and if no longer used as a part of the city's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be
imposed by the city and the county health department. (1991 Code, § 18-204)

18-205. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the city manager when the conditions of this chapter have been met and providing the city manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in § 18-211. Any such permit granted shall be for one fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The city manager shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The city manager may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the city manager. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Kingston. (1991 Code, § 18-205)

18-206. Application for domestic wastewater discharge and industrial wastewater discharge permits. (1) Application for discharge of
domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the city council for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received and approved by the city council, the building sewer is installed in accordance with § 18-201 of this chapter and an inspection has been performed by the city manager or his representative.

The receipt by the city of a prospective customer’s application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city’s rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall acquire a permit within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the city manager, an application on a prescribed form accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-207 (1) and (2) discharge variations -- daily, monthly, seasonal and 30 minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the city manager.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the
application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the city manager for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The city will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the city manager that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the city, the city shall deny the application and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:
(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum rate and time of discharge or requirements and equalization;

(iii) Requirements for installation and maintenance of inspections and sampling facilities;

(iv) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(v) Compliance schedules;

(vi) Requirements for submission of technical reports or discharge reports;

(vii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(viii) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(ix) Requirements for notification of slug discharged;

(x) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the city within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-206(2)(b)(2) and (3). The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user,
different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of the chapter is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.  
(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.  
(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.  
(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless prior and adequate notification is given to the user. (1991 Code, § 18-206)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment
standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life, are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW’s effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation
process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substances which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 65°C (150°F) or causes the influent at the wastewater plant to exceed 40°C (104°F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(l) Any waters containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32°) or one hundred fifty (150°) F (0° and 65° C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city and the Tennessee Department of Health and Environment. Industrial cooling water or unpolluted process waters may be discharged on approval of the city and the Tennessee Department of Health and Environment, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in
this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

### Table A - User Discharge Restrictions

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Daily Average* Maximum Concentration (mg/l)</th>
<th>Instantaneous Maximum Concentration (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>5.0</td>
<td>8.0</td>
</tr>
<tr>
<td>Arsenic</td>
<td>1.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Cadmium</td>
<td>1.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Chromium (total)</td>
<td>4.0</td>
<td>7.0</td>
</tr>
<tr>
<td>Copper</td>
<td>3.0</td>
<td>5.0</td>
</tr>
<tr>
<td>Cyanide</td>
<td>1.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Lead</td>
<td>1.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.1</td>
<td>0.2</td>
</tr>
<tr>
<td>Nickel</td>
<td>3.0</td>
<td>4.5</td>
</tr>
<tr>
<td>Pesticides &amp; Herbicides</td>
<td>BDL</td>
<td>1.0</td>
</tr>
<tr>
<td>Phenols</td>
<td>10.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Selenium</td>
<td>1.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Silver</td>
<td>1.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Surfactants, as MBAS</td>
<td>25.0</td>
<td>50.0</td>
</tr>
<tr>
<td>Zinc</td>
<td>3.0</td>
<td>5.0</td>
</tr>
</tbody>
</table>

*Based on 24-hour flow proportional composite samples.

BDL = Below Detectable Limits

(3) Protection of treatment plant influent. The city shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the city shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The city shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.
## Table B - Plant Protection Criteria

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Concentration mg/l (24 Hour Flow)</th>
<th>Maximum Instantaneous Concentration (mg/l) Grab Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Composite Sample</strong></td>
<td><strong>Proportional</strong></td>
<td></td>
</tr>
<tr>
<td>Aluminum dissolved (AL)</td>
<td>3.00</td>
<td>6.0</td>
</tr>
<tr>
<td>Antimony (Sb)</td>
<td>0.50</td>
<td>1.0</td>
</tr>
<tr>
<td>Arsenic (As)</td>
<td>0.06</td>
<td>0.12</td>
</tr>
<tr>
<td>Barium (Ba)</td>
<td>2.50</td>
<td>5.0</td>
</tr>
<tr>
<td>Boron</td>
<td>0.4</td>
<td>0.8</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>0.004</td>
<td>0.008</td>
</tr>
<tr>
<td>Chromium Hex</td>
<td>0.06</td>
<td>0.12</td>
</tr>
<tr>
<td>Cobalt</td>
<td>0.03</td>
<td>0.06</td>
</tr>
<tr>
<td>Copper (Cu)</td>
<td>0.16</td>
<td>0.32</td>
</tr>
<tr>
<td>Cyanide (CN)</td>
<td>0.03</td>
<td>0.06</td>
</tr>
<tr>
<td>Fluoride (F)</td>
<td>0.6</td>
<td>1.2</td>
</tr>
<tr>
<td>Iron (Fe)</td>
<td>3.0</td>
<td>6.0</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>0.10</td>
<td>0.2</td>
</tr>
<tr>
<td>Manganese (Mn)</td>
<td>0.1</td>
<td>0.2</td>
</tr>
<tr>
<td>Mercury (Hg)</td>
<td>0.025</td>
<td>0.05</td>
</tr>
<tr>
<td>Nickel (Ni)</td>
<td>0.15</td>
<td>0.30</td>
</tr>
<tr>
<td>Pesticides &amp; Herbicides</td>
<td>.001</td>
<td>.002</td>
</tr>
<tr>
<td>Phenols</td>
<td>1.00</td>
<td>2.0</td>
</tr>
<tr>
<td>Selenium (Se)</td>
<td>0.01</td>
<td>0.02</td>
</tr>
<tr>
<td>Silver (Ag)</td>
<td>0.05</td>
<td>0.1</td>
</tr>
<tr>
<td>Sulfide</td>
<td>25.0</td>
<td>40.0</td>
</tr>
<tr>
<td>Zinc (Zn)</td>
<td>0.3</td>
<td>0.6</td>
</tr>
<tr>
<td>Total Kjeldahl Nitrogen (TKN)</td>
<td>45.00</td>
<td>90.00</td>
</tr>
<tr>
<td>Oil &amp; Grease</td>
<td>50.00</td>
<td>100.00</td>
</tr>
<tr>
<td>MBAS</td>
<td>5.00</td>
<td>10.0</td>
</tr>
<tr>
<td>BOD</td>
<td>220</td>
<td>350</td>
</tr>
<tr>
<td>COD</td>
<td>440</td>
<td>700</td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>220</td>
<td>350</td>
</tr>
</tbody>
</table>
(4) **Federal categorical pretreatment standards.** Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The city shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(5) **Right to establish more restrictive criteria.** No statement in this chapter is intended or may be construed to prohibit the city from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and Environment and/or the United States Environmental Protection Agency.

(6) **Accidental discharges.** (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from like areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the city manager before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the city manager (or designated official) in person, by the telephone to enable countermeasures to be taken by the city to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the
accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the users may submit an approved SPIC. Each user shall annually certify to the city's compliance with this paragraph. (1991 Code, § 18-207)

18-208. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the city manager.

When in the judgment of the city manager, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the city manager may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the city, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The city may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.
(2) **Inspection and sampling.** The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(3) **Compliance date report.** Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a professional engineer registered to practice engineering in Tennessee.

(4) **Periodic compliance reports.** (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the city during the months of June and December, unless required more frequently in the pretreatment standard or by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city may agree to alter the months during which the above reports are to be submitted.
(b) The city may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the city of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part___ and amendments thereto. Sampling shall be performed in accordance with techniques approved by the administrator.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
(b) The dates analyses were performed;
(c) Who performed the analyses;
(d) The analytical techniques/methods used; and
(e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the city, Director of the Division of Water Quality Control, Tennessee Department of Health and Environment or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the city, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the city manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1991 Code, § 18-208)
18-209. **Enforcement and abatement.** (1) **Issuance of cease and desist orders.** When the city finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the city shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

(a) Comply immediately;
(b) Comply in accordance with a time schedule set forth by the city;
(c) Take appropriate remedial or preventive action in the event of a threatened violation; or
(d) Surrender the applicable user's permit if ordered to do so after a show cause hearing.

Failure of the city to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) **Submission of time schedule.** When the city finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the city shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the city within thirty (30) days of the issuance of the cease and desist order.

(3) **Show cause hearing.** (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The city council may itself conduct the hearing and take the evidence, or the city council may appoint a person to:

(i) Issue in the name of the city council notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
(ii) Take the evidence;
(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of reproduction costs.

(d) After the city council or the appointed persons have reviewed the evidence, it/they may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

(5) Emergency termination of service. The city may suspend the wastewater treatment service and/or wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Interference to the POTW or causes the city to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(6) Public nuisance. Discharges or wastewater in any manner in violation of this chapter or of any order issued by the city as authorized by this chapter is hereby declared a public nuisance and shall be corrected or abated as directed by the city council. Any person creating a public nuisance shall be subject to the provisions of the city code or ordinances governing such nuisance.
(7) **Correction of violation and collection of costs.** In order to enforce the provisions of this chapter, the city shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurs, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) **Damage to facilities.** When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the city shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) **Civil liabilities.** Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The city shall sue for such damage in any court of competent jurisdiction. (1991 Code, § 18-209)

**18-210. Penalties; costs.** Civil penalties. Any user who is found to have violated an order of the city council or the city manager, or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty dollars ($50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, engineering fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (1991 Code, § 18-210)

**18-211. Fees and billing.** (1) **Purpose.** It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) **Types of charges and fees.** The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
(f) Fees for industrial discharge monitoring; and
(g) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-206 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) Sewer user charges.¹ The city council shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-206 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program. (1991 ode, § 18-211)

18-212. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (1991 Code, § 18-212).

¹Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the city clerk.
CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION
18-301. Definitions.
18-302. Standards.
18-303. Construction, operation, and supervision.
18-304. Statement required.
18-305. Inspections required.
18-306. Right of entry for inspections.
18-307. Correction of existing violations.
18-308. Use of protective devices.
18-309. Unpotable water to be labeled.
18-310. Violations.

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

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

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether 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 supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections;

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

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

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

¹Municipal code reference
Plumbing and related codes: title 12.
(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1991 Code, § 18-301)

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-13-701 and 68-13-719 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1991 Code, § 18-302)

18-303. Construction, operation, and supervision. 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 Health and Environment and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the city manager or his representative. (1991 Code, § 18-303)

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 city manager a statement of the non-existence of 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. (1991 Code, § 18-304)

18-305. Inspections required. It shall be the duty of the city manager to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the city manager and as approved by the Tennessee Department of Health and Environment. (1991 Code, § 18-305)

18-306. Right of entry for inspections. The city manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee,
or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1991 Code, § 18-306)

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the city manager.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-13-711, within a reasonable time and within the time limits set by the city council shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the city shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two 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 management of the water supply 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 supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1991 Code, § 18-307)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed (a) impractical to provide an effective air-gap separation, (b) that the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the city manager, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply, (c) that the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing, (d) there is a likelihood that protective measures may be subverted, altered, or disconnected, the city manager or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health and
Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the city manager prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the city manager or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the city manager shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The city shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and 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 city manager.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices 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 city. (1991 Code, § 18-308)

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1991 Code, § 18-309)
18-310. **Violations.** The requirements contained herein shall apply to all premises served by the city water 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 healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (1991 Code, § 18-310)
TITLE 19
ELECTRICITY AND GAS

CHAPTER
1. ELECTRICITY.
2. GAS.

CHAPTER 1
ELECTRICITY

SECTION
19-101. To be furnished by Rockwood Electric Utility.

19-101. **To be furnished by Rockwood Electric Utility.** Electricity shall be provided to the City of Kingston and its inhabitants by the Rockwood Electric Utility. The rights, powers, duties, and obligations of the City of Kingston and its inhabitants, are stated in the agreements between the parties.\(^1\) (1991 Code, § 19-101)

\(^1\)The agreements are of record in the office of the city clerk.
CHAPTER 2

GAS

SECTION
19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹ (1991 Code, § 19-201)

¹Ordinance #00-11-7, Nov. 2000 is the franchise agreement and is of record in the office of the city clerk.
CHAPTER 1

REGULATING USE OF BOAT LAUNCHING RAMP

20-101. Permit required. It shall be unlawful for any person, corporation, company or entity to use the launching ramp at the Kingston City Park for the purpose of launching any boat in excess of thirty feet (30') in length, other than pontoon boats, without having first obtained a permit. (1991 Code, § 20-101)

20-102. Permit fee. The Park and Recreation Director of the City of Kingston, Tennessee, is hereby authorized to issue launch permits upon satisfying himself that the use of the launch ramp will not endanger the underlying structure of the launch ramp or unduly limit the use of the launch ramp by others and upon the payment of a permit fee in the amount of fifty dollars ($50.00). The park and recreation director is hereby authorized to make reasonable regulations regarding the scope of any such launch permit issued. (1991 Code, § 20-102)
CHAPTER 2

SKATEBOARD PARK REGULATED

SECTION
20-201. Definitions.
20-203. Director of recreation to post regulations.

20-201. Definitions. For purposes of this section certain words or phrases are defined as follows:
(1) "Skateboard park" shall mean the portion of the Ladd Landing Park which has been set aside and dedicated for use by persons using rollerblades, skateboards, and similar devices as defined hereinafter.
(2) "Skateboard and rollerblade" shall mean skateboard, rollerblade, in-line skate, roller skate any other similar device approved by the recreation department for use in the Kingston Skateboard Park. (1991 Code, § 20-201)

20-202. Regulations. It shall be unlawful for any person within the skateboard park to:
(1) Ride, operate, or use any device other than rollerblades or a skateboard;
(2) Ride, operate, use rollerblades or a skateboard unless that person is wearing a helmet designed for use with rollerblades or a skateboard and is in good repair at all times during use;
(3) Place or utilize additional obstacles or other materials (including, but not limited to ramps or jumps) that are not specifically authorized by the director of operation in writing;
(4) Ride, operate, or use rollerblades, skateboard or bicycles before or after the posted hours of operation;
(5) Use or consume alcohol, tobacco products, or illegal drugs;
(6) Use or possess glass containers, bottles, or other breakable glass products;
(7) Fail to obey any other rule or regulation posted on or near the facility by order of the director of recreation. (1991 Code, § 20-202)

20-203. Director of recreation to post regulations. The director of recreation shall establish and post the times of day and dates when the skateboard park may be used. The skateboard park may be closed at the discretion of the director of recreation for any reason including but not limited to: weather, vandalism or equipment damage. Entry upon or use of the skateboard park by any unauthorized person when closed is prohibited. The director of recreation shall post on or near all entrances to the Kingston Skateboard Park a sign or signs that clearly summarize the regulations set forth
herein, and any other rules or regulations that the director of recreation deems reasonably necessary for the safe operation of the facility. The sign or signs to be posted shall include the following language:

**Eviction:** Any person found to be in violation of the provisions of this ordinance or a regulation duly posted on the sign shall be subject to eviction from the skateboard park.

**Penalty:** The privilege of any person to use the Kingston Skateboard Park is expressly conditioned upon compliance by that person with the provisions of this section. A violation of any provision of this section shall be deemed an infraction punishable by a fine and/or temporary or permanent eviction from the facility. (1991 Code, § 20-203)
CHAPTER 3

DEALING IN ANTIQUE OR SCRAP JEWELRY

SECTION
20-301. Dealers shall register.
20-302. Holding period for items purchased.
20-303. Log or register requirements.
20-304. Tag requirements.
20-305. Penalty.

20-301. Dealers shall register. (1) Any person, firm, or corporation purchasing or otherwise dealing in antique or used silverware and jewelry and timepieces or scrap jewelry and/or precious metals, where the said purchase is for resale in its original form or as changed by remounting, melting, reforming, remolding, or recasting or for resale as scrap or in bulk, shall be referred to as a dealer ("dealer") for purposes of this chapter and shall be required to register with the Chief of Police of the City of Kingston.

(2) The provisions of this chapter shall not be applicable to any person, firm or corporation purchasing or otherwise dealing solely in coins. (as added by Ord. #10-8-10-2, Sept. 2010)

20-302. Holding period for items purchased. It shall be unlawful for any person or corporation engaging in the activity described in § 20-301 hereof to sell, exchange, barter or remove from the place in which said business is conducted, or to hide same from view or inspection by a law enforcement officer, or to change the form of any of said items by remounting, melting, cutting up, or otherwise changing the form of any of said items for a period of thirty (30) days from the date and time of said purchase. (as added by Ord. #10-8-10-2, Sept. 2010)

20-303. Log or register requirements. Every person or corporation dealing in the items described in § 20-301 shall keep a written or electronic log and shall enter in said log a clear and accurate description of any items of jewelry or precious metals or silverware purchased, the date and time of purchase, the amount of money paid for said items and the name, race, and residence address of the seller. The seller shall sign and the dealer shall verify the identity of the seller. Acceptable items of identification are one (1) of the following, which shall be listed in the log of the transaction:

(1) A state-issued driver's license;
(2) A state-issued identification card;
(3) A passport;
(4) A valid military identification;
(5) A nonresident alien border crossing card;
(6) A resident alien border crossing card; or
(7) A United States immigration and naturalization service identification.

For each day the dealer shall transact business of the type described in § 20-301, he shall deliver the Chief of the Kingston City Police a copy of the log concerning that day's business, and said copy of said log shall be delivered by noon of the day following the date of said transaction. The original log shall be carefully preserved without alteration and shall at all times be open to the inspection of the Kingston City Police Chief, any police officer of the city, and the Roane County Sheriff or any deputy sheriff. (as added by Ord. #10-8-10-2, Sept. 2010)

20-304. Tag requirements. In addition to the log requirements set forth in § 20-303, every person or corporation dealing in the items described herein shall place a tag with identifying number on each article or item purchased, placing the name, race, and residence and address of the seller on said tag. The number on the tag shall be placed in the log or register mentioned above beside the seller's name. There shall be no duplicate numbers placed on articles purchased. Tags shall remain attached to the article purchased for the same period required in § 20-302. (as added by Ord. #10-8-10-2, Sept. 2010)

20-305. Penalty. Every person, firm, or corporation, their agents, or employees who shall violate any of the provisions of this chapter shall, upon conviction thereof, be fined a sum of not less than fifty dollars ($50.00). (as added by Ord. #10-8-10-2, Sept. 2010)
APPENDIX A

MEMORANDUM

TO: Mayor and City Council
FROM: Personnel Clerk
DATE: 
SUBJECT: City Manager Evaluation

Attached is the annual evaluation form for the City Manager. The form is designed to provide insight into the way you, the Council, perceive the City Manager's skills. Please complete the attached work sheet and send it, marked "Confidential," to MTAS, 120 Conference Center Building, Knoxville, TN 37996-4105, Attn: Kingston Consultant, who will consolidate the reports received from Council Members into one report. Your evaluation should be submitted to the MTAS Kingston Consultant by end of day of the May Council Meeting. The Consultant will summarize the report as well as provide methods of increasing the manager's expertise.

Please make every effort to be honest and objective as you complete the assessment. It is essential that you reflect your feelings concerning the City Manager's performance and leadership abilities. Please use the following rating scale on the attached work sheet:

7 - 9 = Exceeds Expectations (performance has been above reasonable expectations)

4 - 6 = Meets Expectations (performance has attained a level of reasonable expectations)

1 - 3 = Below Expectations (performance has been below reasonable expectations)

Do not feel constrained by the worksheet; your written comments about a particular subject or topic of interest not addressed on the work sheet are most welcome. These will be included with the summary of results given to the City Manager by the MTAS Consultant.

After private consultation to discuss the evaluation with the City Manager, the MTAS representative will provide a copy of the combined evaluation to city council members with his suggested recommendations to the City Manager that could help to broaden his expertise.

Questions about the appraisal form should be directed to the MTAS Kingston Consultant at 941-9839.
## KINGSTON CITY MANAGER EVALUATION ______ YEAR

Evaluation of Kingston City Manager

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description of Manager's Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Appropriately handles responses to public requests, complaints, or areas of concern.</td>
</tr>
<tr>
<td>2.</td>
<td>Plans, organizes, and supervises implementation of Council-approved programs.</td>
</tr>
<tr>
<td>3.</td>
<td>Maintains an image of the City to the community that represents service, vitality and professionalism.</td>
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<tr>
<td>4.</td>
<td>Plans, organizes, and administers the adopted budget.</td>
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<tr>
<td>5.</td>
<td>Anticipates future needs and problems.</td>
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<tr>
<td>6.</td>
<td>Is aware of developments and plans in other cities that may relate to or affect Kingston.</td>
</tr>
<tr>
<td>7.</td>
<td>Demonstrates imaginative leadership initiatives.</td>
</tr>
<tr>
<td>8.</td>
<td>Maintains effective communication, both verbal and written, with Council.</td>
</tr>
<tr>
<td>9.</td>
<td>Reports to Council on current plans and activities of the staff.</td>
</tr>
<tr>
<td>10.</td>
<td>Carries out policies adopted by the Council and developed by staff.</td>
</tr>
<tr>
<td>11.</td>
<td>Provides Council with up-to-date financial reports.</td>
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<tr>
<td>12.</td>
<td>Provides training of employees in contact with the public.</td>
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<tr>
<td>13.</td>
<td>Ability to build cohesiveness in staff.</td>
</tr>
<tr>
<td>14.</td>
<td>Maintains a knowledge of new technologies, systems, methods, etc., in relation to City services.</td>
</tr>
<tr>
<td>15.</td>
<td>Directs work involved in researching Council suggestions and reports findings.</td>
</tr>
<tr>
<td>16.</td>
<td>Maintains communication with governmental jurisdictions with which Kingston is involved or interacts.</td>
</tr>
</tbody>
</table>

7-9 = Exceeds Expectations  
4-6 = Meets Expectations  
1-3=Below Expectations

Please feel free to attach to this form any additional comments.
APPENDIX B

CITY OF KINGSTON
DRIVER EDUCATION PROGRAM
PROGRAM STATEMENT

Rules and guidelines of the program:

A. Those eligible to attend the program:
   Referrals from Kingston city court;
   Referrals from all state courts;
   Referrals from other city courts

B. Curriculum to be taught or reference list of material to be taught:
   Tennessee Drivers manual,
   TCA Laws and Rules of Road
   safety films, videos, slides);
   TCA Motor Vehicle Section;
   National Highway Traffic Safety Administration (NHTSA) approved
   materials and Tennessee Department of Safety statistic materials

C. Adoption of instructors position for teaching or instructing the programs:
   Instructor will be a salaried employee of the City of Kingston

D. Fees:
   All fees collected from attendees to go through the program will be paid into
   the general fund of the City of Kingston.

E. Department of Safety approval:
   City courts must follow same guidelines as county courts, except City
   Council/Alderman must act as Governing Legislative Body.

F. Instructors:
   1. Department of Safety must receive resume of education and experience in
      motor vehicle laws, enforcement and traffic control.
   2. Court approved recommendations with resume of the instructor.
   3. For four (4) hour to eight (8) hour defensive driving course the instructor
      must be a certified instructor for Defensive Driving Course approved by
      National Highway Traffic Safety Administration (NHTSA), for that time
      span safety program.
   4. Also of knowledge of safety laws and procedures for operators and passenger
      to use while on public highways in a motor vehicle or on a motorcycle.
   5. For safety program under time frame of less than four (4) hours.
6. A three (3) year experience (minimum) police officer or court officer may be accepted for instructing a less than four (4) hour safety program.

7. An instructor with minimum experience in teaching highway safety—such as a driver's education teacher with the State Board of Education will be approved for the short safety programs under four (4) hours.

8. A certified Defensive Driving Course (DDC) instructor will qualify for any program up to eight (8) hours.

An approved instructor for the court program doing an eight (8) hour defensive driving course will not be accepted to do driver improvement course for referrals of drivers to complete a (DDC) unless they are approved by the Department of Safety Driver Improvement Division for the state.
AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF KINGSTON, TENNESSEE.

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

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

WHEREAS the City Council of the City of Kingston, 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 "Kingston Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KINGSTON, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Kingston 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, including any sales tax ordinance, or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the establishment of a social security system or providing or changing 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, closing, 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. Wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

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

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

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The city council, 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 city clerk's office for public use and inspection at all reasonable times.
Section 10. Date of effect. This ordinance shall take effect on and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading July 13, 2010
Passed 2nd reading August 10, 2010

[Signature]
Mayor

[Signature]
City Clerk