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The Mayor and Board of Aldermen of the Town of Bruceton met in called session on Monday, March 26, 2001 at 6:00 a.m. in the Bruceton City Hall. Present and presiding were the Honorable Mayor Robert T. Keeton III, Vice-Mayor Bob Clark, and Aldermen Joe Bishop, Stanley Cole, Dan Young, and Ernest Thorne, Jr. Also in attendance was Town Recorder Tony Lancaster, Attorney Donald Parish, Police Chief Ronnie Stewart, and Director of Public Services Brian Edwards. Mayor Keeton called the meeting to order.

**Ordinance 01-02, Bruceton Municipal Code, Second and Final Reading.** Motion to pass on second reading made by Alderman Bishop and seconded by Vice-Mayor Clark. Roll Call Vote: Thorne...yes Clark...yes Young...yes Bishop...yes Cole...yes. This reading takes into account the item seven of the original code being dismissed.

Mayor Keeton asked the board for their input on the budget for the upcoming year. Mayor Keeton reminded the board of the decrease in property tax due to H.I.S. taxes not being paid, and asked them to consider whether they wanted to try to run the town on a deficit budget or make the necessary adjustments. The current tax rate is \$1.17. \$1.33 would bring us up to \$177,258. \$1.55 would bring it up to about \$204,000 or \$206,000. These were figured by Johnny Radford. The board discussed several other ideas for building funds and for saving funds.

Garbage truck discussion. Brian has checked with Stringfellow in Nashville about the value of the garbage truck as is. They said probably \$16,000, realistically. They get 10% of the sale price if they sell the truck. On another side, Tony and Brian checked into Stringfellow changing out the beds on the truck. They will swap for \$1000 to \$1500 for the dump bed. Motion to change out the beds at Stringfellow made by Vice-Mayor Clark. Motion seconded by Alderman Cole. All Aye Votes.

Next budget meeting set for April 17, 2001 at 6:00 a.m.

No more business, meeting adjourned. 4-3-01 *RP*

*Tony Lancaster*

The Mayor and Board of Aldermen met in called session on Tuesday, April 3, 2001 at 3:00 p.m. in the Bruceton City Hall. Present and presiding were the Honorable Mayor Robert T. Keeton III, Vice-Mayor Bob Clark, and Aldermen Dan Young, Stanley Cole, Joe Bishop and Ernest Thorne. Tony Lancaster, Brian Edwards, and business owner Jeff Mebane were also present.

Mayor Keeton explained to the board that he had been contacted by Mr. Harry Webb of American Tower Management, Inc. He has been in town looking for a couple of days checking into the possibility of building a cellular tower in this area. He was shown some city property up by the new park currently used for storage. He would like to purchase the option to build a tower. The option would pay \$400. The plan is to have the tower constructed this year. The initial offer is \$25,000 up front for a 50 year lease. Mayor Keeton stated that he hoped to negotiate something above and beyond that. He asked the board for their permission to negotiate along with Doanld Parish for favorable terms with this company to place a tower in town. This would mean some much needed revenue for the city. It would also help the cell phone service in this community. The provider using the tower would rent space from the tower company. The builder is an independent company who will lease space to any provider who wishes to service this area. Mr. Webb stated that there was one provider already interested in servicing this area, but would not name the company. This will not exclude any provider. The location projected for this tower is to the right of the main entrance to the new park. Alderman Thorne stated that he felt leasing was a better option than purchasing, with the possibility of more than \$25,000. Mr. Webb also stated that they would lease or purchase with the lease being a minimum of 50 years up to 99 years. At the expiration of the lease term, they would purchase the property for a specific amount. Mayor Keeton told board that they would have to survey the sight before determining whether to build free standing or guyed tower. Mayor Keeton also assured the board that the lease would contain an indemnity clause concerning theft, etc. Alderman Thorne stated that he had looked at several over the weekend, they were all free standing. Mayor Keeton stated that he felt the city should get a fee for each provider that uses the tower. Alderman Bishop made a motion to permit Mayor Keeton to negotiate with this company. Alderman Young seconded the motion. All Aye Votes.

Motion to adjourn made by Vice-Mayor Clark, seconded by Alderman Bishop. All Aye Votes.

*Adj. 4-5-01 RP*

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF BRUCETON TENNESSEE.**

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

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

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

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BRUCETON:

**Section 1. Ordinances codified.** The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Bruceton 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 town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

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

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

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."<sup>1</sup>

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the

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<sup>1</sup>State law reference

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

extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

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

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

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

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

Passed 1st reading, \_\_\_\_\_, 200\_\_.

Passed 2nd reading, \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder