THE
ALGOOD
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE
in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

January 1997
CITY OF ALGOOD, TENNESSEE

MAYOR

Todd Williams

VICE MAYOR

Clifford Raney

ALDERMEN

Johnny Bennett
    John Ford
    James Gist

RECORDER

Elise West
PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
(3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

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

Section 2.11. Ordinances. Be it further enacted, That in addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty, or providing for the expenditure of funds, or for the contracting of indebtedness under this act, shall be by ordinance. The enacting clause of all ordinances shall be: "The mayor and the council of the City of Algood hereby ordains".

Section 2.12. City Legislation. Be it further enacted, That any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this Act, shall be done only by ordinance. A resolution shall have a brief title describing its contents and a body containing its detailed provisions, but a motion shall consist only of a brief statement of the action proposed to the council. Each resolution and ordinance shall be in written form before being introduced. The affirmative vote of a majority of those voting shall be sufficient to take any action. If a member of council abstains, it shall be considered as "not voting" and shall have no effect on tabulation of votes. On a particular issue, a member who passes once, must then vote yes or no, or abstain. An ordinance shall be approved at two (2) separate meetings not less than one (1) week apart, shall be read aloud at both meetings (except that a majority can vote to suspend reading of the entire document), and shall take effect ten (10) days after its adoption. An emergency ordinance, which contains a full statement of the facts and reasons for an emergency, may be read only one (1) day apart, and may be made effective upon its adoption or approved by at least three (3) members of the council on both readings. No ordinance relating to franchise, exclusive contract, or other special privileges shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection, or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date, and issuing organization, but the city shall furnish a copy of any such code to any person for a reasonable fee. The recorder shall number ordinances consecutively in the order of their adoption and shall copy them into a permanent record book used solely for this purpose, and the city recorder shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances, resolutions, and motions shall be filed and preserved by the city recorder. An abstract of the essential provisions of each ordinance shall be published once in the official city newspaper within ten (10) days after its
adoption, except that only the title shall be so published of a code adopted by reference as provided in this section.
TITLE 1

GENERAL ADMINISTRATION

CHAPTER
1. GOVERNING BODY
2. MAYOR.
3. RECORDER.
4. ADMINISTRATOR.

CHAPTER 1

GOVERNING BODY

SECTION
1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.

1-101. Time and place of regular meetings. The governing body shall hold regular monthly meetings at 7:00 P.M. on the second Tuesday of each month at the city hall. (1974 Code, § 1-101)

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

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

2Charter references
Compensation: § 2.03.
Quorum: § 2.09.
Removal from office: § 2.16.
Term of office: § 3.01.
Vacancy in office: § 2.06.
1-102. **Order of business.** At each meeting of the governing body the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

1. Call to order by the mayor.
2. Roll call by the recorder.
3. Reading of minutes of the previous meeting by the recorder and approval or correction.
5. Communications from the mayor.
6. Reports from committees, members of the governing body and other officers.
7. Old business.

1-103. **General rules of order.** The rules of order and parliamentary procedure contained in Robert’s Rules of Order, Newly Revised, shall govern the transaction of business by and before the governing body at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1974 Code, § 1-103, modified)
CHAPTER 2

MAYOR

SECTION

1-201. Generally supervises municipality's affairs.

1-201. **Generally supervises municipality's affairs.** The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1974 Code, § 1-201)

1-202. **Executes municipality's contracts.** The mayor shall execute all contracts as authorized by the governing body. (1974 Code, § 1-202)

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¹Charter references

Compensation: § 2.03.
Removal from office: § 2.16.
Term of office: § 3.01.
Vacancy in office: § 2.06.
CHAPTER 3

RECODER\(^1\)

SECTION
1-301. To be bonded.
1-302. To keep minutes, etc.
1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the governing body. (1974 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1974 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the governing body and for the municipality which are not assigned by the charter, this code, or the governing body to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1974 Code, § 1-303)

\(^1\)Charter reference

Duties: § 2.08.
CHAPTER 4

ADMINISTRATOR

SECTION

1-401. Office created; compensation; term; and qualifications.
1-402. Duties.
1-403. Liaison officer.

1-401. **Office created; compensation; term; and qualifications.**
The city council shall appoint and fix the salary of said administrator, who shall serve at the pleasure of the city council. The administrator's minimum qualifications shall include education and experience necessary to be proficient in personnel and financial management, office management and public works administration. The administrator shall give full time to the duties of his office. (Ord. #214, May 1976)

1-402. **Duties.** It shall be the duty of the administrator to supervise and coordinate all administrative activities of each department under the city council. The administrator shall also have the following duties with respect to the administration of the affairs of the city under the city council.

1. To make recommendations to the city council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the city.
2. To keep the city council fully advised as to the conditions and needs of the city.
3. To report to the city council the conditions of property and equipment of the city, and to recommend what repairs or replacements are needed.
4. To recommend what programs or projects involving public works or public improvements should be undertaken by the city and priority of same.
5. To act as personnel officer in matters of employment, dismissal, promotion or demotion of any employee, and to cause personnel files to be kept on all employees.
6. To act as purchasing agent subject to the policies, rules and regulations established by the city council.
7. To act as budget officer.
8. To perform such other duties as may be required of him by resolution of city council. (Ord. #214, May 1976)
1-403. **Liaison officer.** The administrator shall act as liaison officer for the city council in coordinating the activities under the board with the activities of the city under separate boards and commissions. (Ord. #214, May 1976)
TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER
1. CEMETERY COMMISSION.

CHAPTER 1

CEMETERY COMMISSION

SECTION
2-102. Officials.
2-103. Authority.
2-104. Price of cemetery lots.
2-105. Execution of license.
2-106. General duties.
2-107. Provisions applicable to previously sold lots.
2-108. Creation of trust fund.
2-110. Depositions of funds.

2-101. Creation of cemetery commission. There is hereby established a city cemetery commission which shall be known as the Algood Cemetery Commission. The cemetery commission shall consist of six members, three who shall be appointed by the city council, and three shall be elected at the annual decoration held the First Sunday in June of each year at the Algood Cemetery, who shall serve for a term of one year from the date of their appointment. (1974 Code, § 12-301)

2-102. Officials. The commission shall elect a chairman and a secretary from its members, and shall promulgate its own rules of business. (1974 Code, § 12-302)

2-103. Authority. The Algood Cemetery Commission is hereby invested with general supervisory powers over the city cemetery, and it shall from time to time as it deems advisable, make recommendations to the city council for necessary expenditures and improvements. The power and right to determine when a cemetery lot is being improperly maintained is delegated to and vested in the said commission. The commission shall also have the authority to see that the provisions of this chapter are complied with and it shall report all
violations and non-compliances to the council for appropriate action. (1974 Code, § 12-303)

2-104. Price of cemetery lots. The price of lots in the city cemetery shall be $75.00 for each grave unit or 3 sites for $200.00, 6 sites for $400.00, 12 sites for $800.00. (1974 Code, § 12-304)

2-105. Execution of license. The mayor and city recorder are hereby authorized and empowered to execute a license to the purchasers of lots in the city cemetery upon the payment of the price set forth above. It shall be the duty of the city recorder to keep a record of all cemetery lots sold, giving the name and address of the purchaser, the lot number and the date of the purchase and the amount received. (1974 Code, § 12-305)

2-106. General duties. All lots in the city cemetery shall be maintained and kept in a proper manner by cutting grass, removing debris and doing other acts necessary to keep the cemetery neat and clean in appearance and free from dangerous defects, such as sunken graves and leaning or tilting headstones or grave markers. (1974 Code, § 12-306)

2-107. Provisions applicable to previously sold lots. It is expressly declared to be the intent of the city council that the terms and provisions of this chapter shall apply to cemetery lots sold prior to this chapter becoming effective. (1974 Code, § 12-307)

2-108. Creation of trust fund. There is hereby created a trust fund which shall be known as the "Algood Cemetery Trust Fund." It is declared the purpose of this trust fund to provide for the perpetual and permanent maintenance of the city cemetery. Said trust fund shall be invested by and under the direction of the said cemetery commission, and the income therefrom shall be perpetually used for the maintenance, preservation and improvement of the cemetery grounds and lots in the Algood Cemetery. (1974 Code, § 12-308)

2-109. Investment of trust fund. Funds coming into the hands of the said council for the trust fund shall be invested in types and kinds of investments approved by the state legislature as provided by the statutes of this state for guardians and administrators; that the principal of the said trust fund shall not be encroached upon, and the interest from said trust fund shall alone be used in the perpetual maintenance of the said cemetery. If, at the end of any year, said commission has not expended all of the income arising from the trust fund, or all of the income received as gifts and donations for the care of the cemetery, the said commission is empowered and directed to place such unused
interest and gifts in the principal trust fund, at its discretion. (1974 Code, § 12-309)

2-110. **Depositions of funds.** Any funds received by the cemetery commission as interest from the trust fund or as gifts and donations for the purpose of maintenance and care of the city cemetery, shall be deposited in checking and/or savings accounts. (1974 Code, § 12-310)
TITLE 3
MUNICIPAL COURT

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

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 municipality shall preside over the city court and shall be known as the city judge. (1974 Code, § 1-501)
CHAPTER 2
COURT ADMINISTRATION

SECTION
3-201. Maintenance of docket.
3-202. Imposition of fines, penalties, and costs.
3-203. Disposition and report of fines, penalties, and costs.
3-204. Disturbance of proceedings.
3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1974 Code, § 1-502)

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

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace for similar work in state cases. (1974 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1974 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1974 Code, § 1-512)

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1State law reference
3-205. **Trial and disposition of cases.** Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1974 Code, § 1-506)
CHAPTER 3
WARRANTS, SUMMONSES AND SUBPOENAS

SECTION
3-301. Issuance of arrest warrants.
3-302. Issuance of summonses.
3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1974 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant’s right of appeal. (1974 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1974 Code, § 1-505)

¹State law reference
For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.
CHAPTER 4

BONDS AND APPEALS

SECTION
3-401. Appearance bonds authorized.
3-402. Appeals.
3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1974 Code, § 1-507)

3-402. 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, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1974 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine 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 located within the county. No other type bond shall be acceptable. (1974 Code, § 1-510)

¹State law reference
TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY--CITY PERSONNEL.
2. VACATIONS AND SICK LEAVE--CITY PERSONNEL.
3. MISCELLANEOUS REGULATIONS--CITY PERSONNEL.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

SOCIAL SECURITY--CITY PERSONNEL

SECTION

4-101. Policy and purpose as to coverage.  It is hereby declared to be the policy and purpose this municipality to provide for all eligible employees and officials of the municipality, 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 municipality shall take such action as may be required by applicable state and federal laws or regulations.  (1974 Code, § 1-701)

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.  (1974 Code, § 1-702)

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.  (1974 Code, § 1-703)
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. (1974 Code, § 1-704)

4-105. **Records and reports to be made.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1974 Code, § 1-705)
CHAPTER 2

VACATIONS AND SICK LEAVE--CITY PERSONNEL

SECTION
4-201. Applicability of chapter.
4-202. Vacation leave.
4-203. Sick leave.
4-204. Leave records.
4-205. Vacation leave for separated employees.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1974 Code, § 1-801)

4-202. Vacation leave. (1) Vacation leave will be granted to regular employees, but may not be taken until the employee has completed one year of service. Vacation leave is to be taken following the period of time in which it is earned. Four (4) weeks may be carried forward into the next year. Time is earned beginning with the date of regular employment to the anniversary date each year.

(2) Vacation time will be calculated according to the following schedule:

<table>
<thead>
<tr>
<th>Years</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 yr.</td>
<td>5</td>
</tr>
<tr>
<td>2 yrs.</td>
<td>10</td>
</tr>
<tr>
<td>more than 2 yrs.</td>
<td>10</td>
</tr>
</tbody>
</table>

(3)(a) For leave purposes, the service an individual has to his/her credit includes all time spent as a full-time employee of the municipality.

(b) Vacations will be scheduled in advance for the mutual convenience of the employee and the City of Algood government so proper adjustments can be made in the work schedules. Department heads preparing vacation schedules will give choice of dates based on seniority of the personnel in their departments, and no employee may begin his/her annual leave until his/her request has been approved by the department head.

(c) For vacation purposes, annual leave cannot be taken in less than whole-day increments.

(d) Legal holidays falling within a vacation period are not to be counted as vacation days. There shall be no pay in lieu of vacation. When an employee is on "leave without pay" for 15 days during any
calendar month, no annual leave accumulates. Employees may not borrow against future annual vacation or transfer earned leave to another employee.

(e) Service in the Tennessee National Guard, state militia, or military reserves may be charged as annual vacation at the option of the employee. Employees electing to coincide vacation time with military leave shall receive full pay for the amount of specified vacation leave.

4-203. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave shall be taken only when approved by the mayor or by such other officer as he may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. However, the mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave. The maximum credit for accrued sick leave under the provisions of this section shall be ninety (90) days. (1974 Code, § 1-803)

4-204. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter. (1974 Code, § 1-804)

4-205. Vacation leave for separated employees. All employees who work more than two (2) years shall be given 3/4 day a month each month he worked that particular year. Also, all employees with more than one year shall be given three (3) hours per month for each month he worked that particular year. (Ord. #216A, July 1976)
CHAPTER 3

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

SECTION
4-301. Business dealings.
4-302. Acceptance of gratuities.
4-303. Outside employment.
4-304. Political activity.
4-305. Use of municipal time, facilities, etc.
4-306. Use of position.
4-307. Strikes and unions.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1974 Code, § 1-901)

4-302. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to municipal business. (1974 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1974 Code, § 1-903)

4-304. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the municipality. Provided, however, municipal employees shall not be qualified to run for elected office in the city council. This restriction
shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1974 Code, § 1-904, modified)

4-305. **Use of municipal time, facilities, etc.** No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1974 Code, § 1-905)

4-306. **Use of position.** No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1974 Code, § 1-906)

4-307. **Strikes and unions.** No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1974 Code, § 1-907)
CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION
4-401. Purpose.
4-402. Definitions.
4-403. Coverage.
4-404. Employer's rights and duties.
4-405. Employee's rights and duties.
4-406. Standards authorized.
4-407. Variances from standards authorized.
4-408. Inspection.
4-409. Citation.
4-410. Penalties.
4-411. Record keeping and reporting.
4-412. Administration.
4-413. Confidentiality of trade secrets or privileged information.

4-401. **Purpose.** The City of Algood, in electing to establish and maintain an effective occupational safety and health program for its employees shall:

1. Provide a safe and healthful place and condition of employment.
2. Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees as soon as the city can investigate the availability and the most economical cost of the aforesaid.
3. Make, keep, preserve and make available to the state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the city has received, reviewed and approved record keeping forms, procedures and guidelines provided by the state, and thereafter these provisions shall not take effect until after the city has had a reasonable period of time to set up and provide for the orderly implementation and use of such records and procedures.
4. Consult with the state commissioner of labor with regard to the adequacy of the form and content of records.
5. Consult with the state commissioner of labor or the state commissioner of health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the city and are
such that they cannot be achieved under a standard promulgated by the state and approved by the city.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the city has implemented the provisions of paragraph (3) hereinafore set forth.

(7) 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.

(8) 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. (1974 Code, § 1-1001)

4-402. Definitions. For the purpose of this program:

(1) "Commissioner of Labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(2) "Commissioner of Health" means the chief executive officer of the Tennessee Department of Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of health.

(3) "Employer" means the City of Algood, and shall include each administrative department, commission, board, division or other agency of the city.

(4) "Director of Personnel" means the chief executive officer designated by the City of Algood to perform duties or to exercise powers assigned so as to plan, develop and administer the city's safety and health program.

(5) "Appointing Authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department or commission.

(6) "Employee" means any person performing services for the City of Algood listed on city's payrolls either as part-time or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(7) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(8) "Standard" means an occupational safety and health standard promulgated by the Tennessee state commissioner of labor or the state
commissioner of health which requires conditions or the adoption or the use of
one or more practices, means, methods, operations or processes necessary or
appropriate to provide safe and healthful employment and places of
employment.

(9) "Issue" means a category of like industrial, occupational or hazard
groupings which affects the safety and health of employment or place of
employment, and is suggested by the groupings in Code of Federal Regulations,
Title 29, Chapter XVII, Part 1910.

(10) "Establishment" or "workplace" means a single physical location
where business is conducted or where services or industrial operations are
performed. (1974 Code, § 1-1002)

4-403. Coverage. The provisions of the program shall apply to
employees of each administrative department, commission, board, division or
other agency of the City of Algood. (1974 Code, § 1-1003)

4-404. Employer's rights and duties. The rights and duties of the
employer shall include, but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of
employment and a place of employment free from known and recognized
hazards that are causing or are likely to cause death or serious injury or harm
to employees; provided however, that employer shall have a reasonable period
of time to correct any such hazards.

(2) Employer shall comply with approved occupational safety and
health standards or regulations promulgated pursuant to the State
Occupational Safety and Health Act of 1972.

(3) Employer shall assist the state commissioner of labor and state
commissioner of health, upon reasonable notice from the said commissioners, in
the performance of their monitoring duties by supplying necessary information
to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards
by submission of comments on proposed standards, participation in hearings on
proposed standards, or by requesting the development of standards on a given
issue.

(5) Employer is entitled to request an order granting a variance from
an occupation safety and health standard.

(6) Employer is entitled to protection of his trade secrets and other
legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus and
offices to insure the provisions of this program are complied with and carried
out as soon as reasonably possible after this chapter has been fully
implemented.
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(8) Employer shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard, of corrective action being taken by the city. (1974 Code, § 1-1004)

4-405. Employee's rights and duties. The rights and duties of employees shall include, but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards of all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director of personnel.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken as soon as reasonably possible after this chapter has been fully implemented.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the director of personnel of the City of Algood.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. (1974 Code, § 1-1005)

4-406. Standards authorized. The standards adopted by the City of Algood are the State of Tennessee Safety and Health Standards developed
under Section 6 of the State Occupational Safety and Health Act of 1972 and approved by the city. (1974 Code, § 1-1006)

4-407. Variances from standards authorized. The City of Algood may, upon written application to the state commissioner of labor or the state commissioner of health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city, shall be deemed sufficient notice to employees. (1974 Code, § 1-1007)

4-408. Inspection. (1) In order to carry out the purposes of this program, the director of personnel, or his authorized representative, is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the City of Algood; and

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee.

(2) The director of personnel may issue subpoenas pursuant to his duties set forth herein, to require the attendance and testimony of witnesses and the production of evidence under oath.

(3) An administrative representative of the city and a representative authorized by the employees may be given an opportunity to consult with or to accompany the compliance inspector (director of personnel) during the physical inspection of any workplace for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The inspection shall be such as to preclude unreasonable disruptions of the operations of the work place or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections may be accomplished without advance notice, but the director of personnel may authorize the giving to any supervisor or employee advance notice of an inspection. (1974 Code, § 1-1008)
4-409. **Citation.** (1) If, upon an inspection or investigation, the director of personnel, or his designated deputy or authorized representative should he have one, finds that any work place is not in compliance with any standard, rule, regulation or order, he shall, with reasonable promptness, issue to the administrative officer responsible for the work place a written citation that states the nature and location of the violation; the standard, rule, regulation or order violated; the abatement and correction requirements; and a period of time during which the work place must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation anyone affected may advise the director of personnel of objections to the terms and conditions of the citation. Upon receipt of such objections and after a hearing, the director of personnel shall thereafter issue an order affirming, modifying, or vacating the citation, and such order shall be final. (1974 Code, § 1-1009)

4-410. **Penalties.** (1) The City of Algood shall not issue any penalties either civil or criminal, against any public official, employee, or any other person, administrative department, board, commission, division, or other agency of the City of Algood for failure to comply with the safety and health standards.

(2) Any employee who wilfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to disciplinary action by the appointing authority. The appointing authority has the power to administer discipline and it shall be his duty to take action in one of the following ways:

(a) Oral reprimand;
(b) Written reprimand;
(c) Suspension;
(d) Termination.

(3) The employee being disciplined shall have the right of appeal to the director of personnel. (1974 Code, § 1-1010)

4-411. **Record keeping and reporting.** (1) The City of Algood shall establish and maintain a system for collecting, maintaining and reporting safety and health data as soon as reasonably possible after implementing the provisions of § 4-401(3).

(2) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(3) After this chapter has been enacted, the City of Algood shall report, within forty-eight (48) hours and to the commissioner of labor, any accident
which is fatal to one or more employees or which results in twenty-four (24) hours or more hospitalization of five (5) or more employees.

(4) The City of Algood shall make an annual report, after this chapter has been fully implemented, to the commissioner of labor showing the accomplishments and progress of the city’s occupational safety and health program. (1974 Code, § 1-1011)

4-412. Administration. For the purpose of this chapter, the mayor is hereby designated as the director of personnel and is likewise designated as the chief executive officer to perform duties or to exercise powers assigned so as to plan, develop, and administer the city occupational safety and health program.

(1) Upon authorization from the city council, the director of personnel may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties and responsibilities under the program.

(2) The director of personnel, to the extent possible, shall recommend the employment of measures to coordinate the activities of all city departments to promote efficiency and to minimize inconvenience under the program.

(3) The director of personnel may delegate the power to make inspections, provided that the procedures employed are as effective as those employed by the director.

(4) The director of personnel shall develop a plan, pursuant to the city’s occupational safety and health program, including the selection of applicable standards promulgated by the state commissioner of labor and the state commissioner of health, and such plan shall be submitted for approval and adoption by the mayor and city council. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and the city council for approval and adoption.

(5) The city recorder shall, upon adoption of this chapter, immediately register the city occupational safety and health plan with the state commissioner of labor, by sending to the commissioner of labor by certified mail a written statement which includes:

(a) A statement that the City of Algood has elected to develop its own program of compliance;
(b) A statement that such program has been developed and has been reduced to writing;
(c) A statement of where such writing may be inspected;
(d) A statement that city employees have been informed of the program and have access to such writing;
(e) An assurance that the city’s program incorporates standards developed pursuant to the State Occupational Safety and Health Act;
(f) A description of the methods of inspection provided for herein and an assurance that such program includes provisions for
inspection and record keeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972. (1974 Code, § 1-1012)

4-413. Confidentiality of trade secrets or privileged information.
(1) Compliance with any other law or statute which regulates safety and health in employment and places of employment shall not excuse the City of Algood or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provision of this program or any standard or regulation promulgated pursuant to this program shall not excuse the City of Algood or any city employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (1974 Code, § 1-1013)
5-1

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER
1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

CHAPTER 2
REAL PROPERTY TAXES

SECTION
5-201. When due and payable.
5-202. When delinquent—penalty and interest.

5-201. When due and payable.¹ Taxes levied by the municipality against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1974 Code, § 6-201)

5-202. When delinquent—penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.³ (1974 Code, § 6-202)

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

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

³Charter and state law references
A municipality has the option of collecting delinquent property taxes any one of three ways:
(1) Under the provisions of its charter for the collection of delinquent property taxes.
(continued...)
CHAPTER 3

PRIVILEGE TAXES

SECTION
5-301. Tax levied.
5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the municipality at the rates and in the manner prescribed by the act. (1974 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the municipality without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1974 Code, § 6-302)

(...continued)

(3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.
CHAPTER 4

WHOLESALE BEER TAX

SECTION
5-401. To be collected.

5-401. **To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1974 Code, § 6-401)

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.
TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST

SECTION
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. (1974 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trail of cases. Policemen shall also promptly serve any legal process issued by the city court. (1974 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1974 Code, § 1-403)

\(^1\)Municipal code reference
Traffic citations, etc.: title 15, chapter 7.
6-104. **When policemen to make arrests**. 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. (1974 Code, § 1-404)

6-105. **Policemen may require assistance**. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1974 Code, § 1-405)

6-106. **Disposition of persons arrested**. Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available or the alleged offender does not post the required bond, he shall be confined. (1974 Code, § 1-406)

6-107. **Police department records**. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

(1) All known or reported offenses and/or crimes committed within the corporate limits.
(2) All arrests made by policemen.
(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1974 Code, § 1-407)
CHAPTER 2

WORKHOUSE

SECTION
6-201. County workhouse to be used.
6-202. Inmates to be worked.
6-203. Compensation of inmates.

6-201. **County workhouse to be used.** The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1974 Code, § 1-601)

6-202. **Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1974 Code, § 1-602)

6-203. **Compensation of inmates.** Each workhouse inmate shall be allowed five dollars ($5.00) per day as credit toward payment of the fines and costs assessed against him. (1974 Code, § 1-603)
TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER
1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION
7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows: the corporate limits. (1974 Code, § 7-101)

\(^1\text{Municipal code reference}
Building, utility and housing codes: title 12.
CHAPTER 2

FIRE CODE

SECTION

7-201. Fire code adopted.
7-203. Enforcement.
7-204. Definition of "municipality."
7-205. Storage of explosives, flammable liquids, etc.
7-206. Gasoline trucks.
7-207. Variances.
7-208. Violations.
7-209. Burning within corporate limits.

7-201. 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 Standard Fire Prevention Code, 1994 edition with 1995 revisions, as recommended by the Southern Building Code Congress International, Inc. 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 fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1974 Code, § 7-201, modified)

7-202. Amendments. Sections 105.1.1 and 105.1.2 of the fire prevention code shall be replaced by the foregoing amendments:

105.1.1 There is hereby established a board to be called the "Codes Enforcement Board" which shall consist of five (5) members. The board shall be appointed by the applicable governing body.

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1Municipal code reference
Building, utility and housing codes: title 12.

2Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.
105.1.2

105.1.2(a) - Membership - The Board of Adjustment and Appeals should consist of five (5) members. Such board members should be composed of individuals with knowledge and experience in technical codes; however, this is not an absolute requirement. A board member shall not act in a case in which he has a personal or financial interest.

105.1.2(b) - Terms - The term of office of board members shall be for two (2) year periods. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

105.1.2(c) - Quorum and Voting - A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. In modifying a decision of the fire prevention official, not less than a majority of the board shall be required.

Subsequent to the passage of the foregoing amendment, the name "Board of Adjustments and Appeals" as used throughout the code shall be synonymous with the name "Codes Enforcement Board". (Ord. #323, Aug. 1992)

7-203. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1974 Code, § 7-202)

7-204. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Algood, Tennessee. (1974 Code, § 7-203)

7-205. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.
The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1974 Code, § 7-204)

7-206. **Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1974 Code, § 7-205)

7-207. **Variances.** The chief of the fire department may recommend to the governing body variances from the provisions of the fire prevention 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 governing body. (1974 Code, § 7-206)

7-208. **Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention 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 governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1974 Code, § 7-207)

7-209. **Burning within corporate limits.** It shall be unlawful for any person, firm, corporation or entity to burn or attempt to burn refuse, structure, forest, grassland or woodland on private or public property within the corporate limits of the City of Algood, without first securing the approval in writing of the city fire chief or designate. Failure to secure said approval is a violation of this section and shall result in a fine of up to fifty dollars ($50.00). (Ord. #350A, Aug. 1996)
CHAPTER 3

FIRE DEPARTMENT

SECTION
7-301. Establishment, equipment, and membership.
7-302. Objectives.
7-303. Organization, rules, and regulations.
7-304. Records and reports.
7-305. Tenure and compensation of members.
7-306. Chief responsible for training and maintenance.
7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1974 Code, § 7-301)

7-302. Objectives. The 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. (1974 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1974 Code, § 7-303)

^1Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.
7-304. **Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1974 Code, § 7-304)

7-305. **Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the governing body.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1974 Code, § 7-305)

7-306. **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. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1974 Code, § 7-306)

7-307. **Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1974 Code, § 7-308)
CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits generally.

7-401. **Equipment to be used only within corporate limits generally.** No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the municipal governing body. (1974 Code, § 7-307)
CHAPTER 5

FIREWORKS

SECTION
7-501. Rules and regulations of state to apply.
7-502. Districts where permissible.
7-503. Definitions of fireworks sales.
7-504. General rules and regulations.
7-505. Permits required and procedures.
7-506. Fees.
7-507. Discharge of fireworks.

7-501. Rules and regulations of state to apply. Tennessee Code Annotated, §§ 66-222-101 through 66-22-116, grants to the Tennessee Department of Commerce and Insurance, Division of Fire Prevention, the statutory authority to regulate the sale of fireworks within the State of Tennessee. Said rules and regulations shall apply to the sale of fireworks in the City of Algood, proof of compliance with these rules and regulations shall be furnished to the fire chief of the City of Algood, (or designated representative) upon request. (Ord. #346A, June 1996)

7-502. Districts where permissible. The sale of fireworks shall be permitted only on Main St. but not within 300 feet of any school. The sale of fireworks along any other street is expressly prohibited. (Ord. #346A, June 1996)

7-503. Definitions of fireworks sales. Seasonal sale: the seasonal sale of fireworks shall be permitted from June 20 until July 5 and December 10 until January 2 of any given year. Seasonal sales of fireworks shall be defined as taking place within a tent or other structure approved by the fire chief (or designated representative). (Ord. #346A, June 1996)

7-504. General rules and regulations. (1) All tents used for the sale of fireworks shall be of fire retarding material and display proof of same.

(2) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifteen (15) feet from any other structure.

(3) All tents or other temporary structures used for the sale of fireworks shall be located a minimum of fifteen (15) feet from any public street or right-of-way.
(4) All lighting and other electrical facilities used in association with tents or temporary structures shall be approved by the fire chief (or designated representative).

(5) All locations used for the sale of fireworks shall maintain on premises a fire extinguisher of at least a 2-A rating. Said extinguisher shall bare record of its inspection date and operative status.

(6) Parking shall not be permitted on public streets or in such a way as to interfere with the visibility of vehicles using said streets. (Ord. #346A, June 1996)

7-505. Permits required and procedures. Any individual or firm wanting to sell fireworks within the corporate limits of the City of Algood shall purchase an Algood business license from the city clerk and a fireworks permit from the Algood fire chief (or designated representative).

The sale of fireworks requires a permit from the Tennessee State Marshall. The forms necessary to obtain such permits are available at the office of the Algood Fire Chief.

Upon obtaining the permit from the office of the State Fire Marshall, the applicant shall present the approved application and Algood business license to the fire chief (or designated representative). The fire chief (or designated representative) shall then inspect the site of the proposed fireworks sale. If the site is in conformance with all applicable rules and regulations, the fire chief (or designated representative) shall approve it for such use. (Ord. #346A, June 1996)

7-506. Fees. Prior to issuance of a fireworks permit by the Algood fire chief (or designated representative), the applicant shall have paid a fee of $25.00 for the seasonal sale of fireworks. A separate permit for seasonal sales and appropriate fees shall be paid for each of the periods listed above. (Ord. #346A, June 1996)

7-507. Discharge of fireworks. It shall be unlawful for anyone to fire, setoff or otherwise discharge fireworks within the City of Algood limits, except in cooperation with an established organization and in celebration of a special event or holiday and with, not less than ten (10) days notice, to the City Administrator, Police & Fire Chief and the securing of a properly issued burn permit. (Ord. #355A, Nov. 1996)
TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1
INTOXICATING LIQUORS

SECTION
8-102. Scope of chapter.
8-103. State laws to be complied with.
8-104. Domicile.
8-105. Location of retail store.
8-106. Retail store restrictions.
8-107. Number of stores.
8-108. Distance restriction.
8-109. Inspection fee.
8-110. Contents of application to the City of Algood for certificate of good moral character.
8-111. Certificate of good moral character.
8-112. Processing applications.
8-113. Penalties.

8-101. Definitions. Whenever used in this chapter unless the context requires otherwise:
(1) "Alcoholic beverage" or "beverages" and "Intoxicating liquor" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two contains an alcoholic content of five (5) percent by weight or less.
(2) "Person" means any natural person as well as any corporation, partnership, firm or association.
(3) "City" means the City of Algood, Tennessee.

\[^{1}\text{State law reference} \]
\[\text{Tennessee Code Annotated, title 57.}\]
(4) "City council" means the mayor and board of aldermen of the City of Algood, Tennessee. (Ord. #285A, April 1987)

8-102. **Scope of chapter.** It shall be unlawful to store, transport, sell, give away, distribute, possess and receive alcoholic beverages in the city unless the provision of this chapter and the law of the State of Tennessee and the Rules and Regulations of the Alcoholic Beverage Commission have been complied with. Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five (5) percent by weight or less, and no ordinance related thereto is modified by this chapter. (Ord. #285A, April 1987)

8-103. **State laws to be complied with.** No person, firm, corporation, association or partnership shall engage in retail liquor business unless all the necessary state licenses and permits have been obtained. (Ord. #285A, April 1987)

8-104. **Domicile.** No person, member of a firm, corporation, partnership, or association shall own or operate a retail store for the sale of alcoholic beverages as herein defined if he shall not have been a resident domiciled in the corporate limits of the city for two years and have been a qualified voter in municipal elections in the city for a period of one year. This requirement as to domicile in the case of a corporation, firm, association or partnership shall apply to all of its officers, shareholders, directors, partners and members. (Ord. #285A, April 1987)

8-105. **Location of retail store.** 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 Algood, Tennessee, unless the location of the liquor store is properly located on the Algood By-Pass of State Highway 42. (Ord. #285A, April 1987)

8-106. **Retail store restrictions.** No retail store shall be located except on the ground floor and it shall have one main entrance facing toward the highway and no other entrance for the use of the public. In addition, to the fullest extent consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the highway to the interior of the place of sale therein. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type of building. Said store shall have night lighting all around the outside of the premises and shall be provided with sufficient space on a paved surface for the parking of at least six (6) automobiles, exclusive of parking for employees of the store. All retail sales shall be confined to the premises of the licensee, and no
curb service shall be permitted nor shall there be permitted drive-in windows.  
(Ord. #285A, April 1987)

8-107. **Number of stores.** There shall be no more than one (1) retail 
liquor store for each two thousand (2,000) of the city’s population by the 1980 
or any subsequent United States Census.  (Ord. #285A, April 1987)

8-108. **Distance restriction.** No retail store shall be located within 
three hundred (300) feet of a school or church, or other place of public gathering, 
measured using a straight line.

8-109. **Inspection fee.** The City of Algood hereby imposes an inspection 
fee in the maximum amount allowed by T.C.A., § 57-3-501, et. seq., on all 
retailers of alcoholic beverages located within the corporate limits of the city.  
(Ord. #285A, April 1987)

8-110. **Contents of application to the City of Algood for certificate 
of good moral character.** Each applicant for a certificate of good moral 
character shall file an application for same with the city.  Each application shall 
be upon oath and contain the full name and address of each owner, partner, 
stockholder, director, officer, and any other person having any financial interest 
in and to said proposed liquor store, and shall be signed by each and his 
signature acknowledged.  Each application shall specifically describe the 
location of the proposed liquor store and be accompanied by a true copy of the 
deed, lease, contract, or other instrument under which the applicant owns or 
possesses the location proposed.  Each application shall contain or be 
accompanied by a sworn statement as to each person required to sign the 
application that he has not been convicted of a felony within a ten-year period 
immediately preceding the date of application.  (Ord. #285A, April 1987)

8-111. **Certificate of good moral character.** A certificate of good 
moral character shall be signed by a majority of the city council while in session 
conditioned on the applicant fulfilling the following requirements:

(1) The applicant and all persons required to sign the application who 
are to be in actual charge of the business are known or determined by a majority 
of the city council to have good general character.

(2) The applicant or applicants have secured a location for the 
proposed liquor store which complies with all restriction of this chapter and all 
other applicable ordinances.

(3) The applicant or applicants meet the domicile requirements of this 
chapter.
(4) An application for certificate of good moral character must be submitted by all owners, partners, stockholders and directors of the applicant, and failure to reveal the financial interest of any person or corporation shall be grounds for denial of the certificate of good moral character. (Ord. #285A, April 1987)

8-112. Processing applications. All applications for certificates of good moral character shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting. The city council shall review the application and take appropriate action. (Ord. #285A, April 1987)

8-113. Penalties. Any violation of any section of this chapter upon conviction shall be punished by a fine of not less nor more than $500.00. Each day such violation continues shall constitute a separate offense. (Ord. #285A, April 1987, as amended by Ord. #334B, Oct. 1993)
CHAPTER 2

BEER

SECTION

8-201. Beer board established.
8-202. Meetings of the beer board.
8-203. Record of beer board proceedings to be kept.
8-204. Requirements for beer board quorum and action.
8-205. Powers and duties of the beer board.
8-206. "Beer" defined.
8-207. Permit required for engaging in beer business.
8-208. Beer permits shall be restrictive.
8-209. Interference with public health, safety, and morals prohibited.
8-210. Issuance of permits to persons convicted of certain crimes prohibited.
8-211. Prohibited conduct or activities by beer permit holders.
8-212. Revocation of beer permits.

8-201. **Beer board established.** There is hereby established a beer board to be composed of five (5) members appointed by the governing body. All members of the beer board shall be citizens of the municipality. They shall be appointed for five (5) year terms except that the first members shall be appointed for staggered terms so that the term of one (1) member shall expire each year thereafter. A chairman shall be elected annually by the board from among its members. Members of the beer board shall serve without compensation. (1974 Code, § 2-201)

8-202. **Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1974 Code, § 2-202)

8-203. **Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The

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1 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).
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 provisions of each beer permit issued by the board. (1974 Code, § 2-203)

8-204. **Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1974 Code, § 2-204)

8-205. **Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1974 Code, § 2-205)

8-206. **"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. (1974 Code, § 2-206)

8-207. **Permit required for engaging in beer business.** It shall be unlawful for any person 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 prescribe and/or furnish. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (1974 Code, § 2-207)

8-208. **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 his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1974 Code, § 2-208)
8-209. **Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within three hundred (300) feet of any school, church or other such place of public gathering, measured using a straight line. (1974 Code, § 2-210, modified)

8-210. **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. (1974 Code, § 2-211)

8-211. **Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

1. Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
2. Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)
3. Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week; between the hours of 3:00 A.M. and 12:00 Noon on Sunday; or on election days before and while the polls are lawfully open.
4. Allow any loud, unusual, or obnoxious noises to emanate from his premises.
5. Make or allow any sale of beer to a minor under twenty-one (21) years of age.
6. Allow any minor under twenty-one (21) years of age to loiter in or about his place of business.
7. Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
8. Allow drunk or disreputable persons to loiter about his premises.
9. Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
10. Allow dancing on his premises.
11. Allow pool or billiard playing in the same room where beer is sold and/or consumed.
(12) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1974 Code, § 2-212, as amended by Ord. #332A, March 1993, modified)

8-212. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the municipal governing body. (1974 Code, § 2-213)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER
1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.

CHAPTER 1

MISCELLANEOUS

SECTION

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. (1974 Code, § 5-101)

¹Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
CHAPTER 2

PEDDLERS, ETC.\(^1\)

SECTION

9-201. Permit required.
9-203. Application for permit.
9-204. Issuance or refusal of permit.
9-205. Appeal.
9-206. Bond.
9-207. Loud noises and speaking devices.
9-208. Use of streets.
9-209. Exhibition of permit.
9-210. Policemen to enforce.
9-211. Revocation or suspension of permit.
9-212. Reapplication.
9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1974 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1974 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

(1) Name and physical description of applicant.
(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

\(^1\)Municipal code reference

Privilege taxes: title 5.
(3) A brief description of the nature of the business and the goods to be sold.

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars ($5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1974 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1974 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of
such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1974 Code, § 5-205)

9-206. **Bond.** Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars ($1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1974 Code, § 5-206)

9-207. **Loud noises and speaking devices.** No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1974 Code, § 5-207)

9-208. **Use of streets.** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1974 Code, § 5-208)

9-209. **Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen. (1974 Code, § 5-209)
9-210. **Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1974 Code, § 5-210)

9-211. **Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

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

   (b) Any violation of this chapter.

   (c) Conviction of any crime or misdemeanor.

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

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

   (3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1974 Code, § 5-211)

9-212. **Reapplication.** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1974 Code, § 5-212)

9-213. **Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1974 Code, § 5-213)
CHAPTER 3

CHARITABLE SOLICITORS

SECTION
9-301. Permit required.
9-302. Prerequisites for a permit.
9-303. Denial of a permit.
9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1974 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
(2) The control and supervision of the solicitation will be under responsible and reliable persons.
(3) The applicant has not engaged in any fraudulent transaction or enterprise.
(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1974 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1974 Code, § 5-303)
9-304. **Exhibition of permit.** Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1974 Code, § 5-304)
CHAPTER 4

TAXICABS\(^1\)

SECTION

9-401. Taxicab franchise and privilege license required.
9-402. Requirements as to application and hearing.
9-403. Liability insurance or bond required.
9-404. Revocation or suspension of franchise.
9-405. Mechanical condition of vehicles.
9-408. License and permit required for drivers.
9-409. Qualifications for driver's permit.
9-410. Revocation or suspension of driver's permit.
9-411. Drivers not to solicit business.
9-412. Parking restricted.
9-413. Drivers to use direct routes.
9-414. Taxicabs not to be used for illegal purposes.
9-415. Miscellaneous prohibited conduct by drivers.
9-416. Transportation of more than one passenger at the same time.

9-401. **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 municipality and has a currently effective privilege license. (1974 Code, § 5-401)

9-402. **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 pertinent 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

\(^1\)Municipal code reference

Privilege taxes: title 5.
of the applicant; determine if there is a public need for additional taxicab service; present the application to the governing body; and make a recommendation to either grant or refuse a franchise to the applicant. The governing body 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 governing body shall consider the public need for additional service, 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 not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1974 Code, § 5-402)

9-403. **Liability insurance or bond required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond 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 insuror to both the insured and the recorder of the municipality. (1974 Code, § 5-403)

9-404. **Revocation or suspension of franchise.** The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1974 Code, § 5-404)

9-405. **Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements 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. (1974 Code, § 5-405)
9-406. **Cleanliness of vehicles.** All taxicabs operated in the municipality shall, at all times, 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. (1974 Code, § 5-406)

9-407. **Inspection of vehicles.** All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1974 Code, § 5-407)

9-408. **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. (1974 Code, § 5-408)

9-409. **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 and 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 municipality 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.
7. Is familiar with the state and local traffic laws. (1974 Code, § 5-409)

9-410. **Revocation or suspension of driver's permit.** The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1974 Code, § 5-410)
9-411. **Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1974 Code, § 5-411)

9-412. **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 municipality 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. (1974 Code, § 5-412)

9-413. **Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1974 Code, § 5-413)

9-414. **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. (1974 Code, § 5-414)

9-415. **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 municipality in any way. (1974 Code, § 5-415)

9-416. **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. (1974 Code, § 5-416)
CHAPTER 5

POOL ROOMS

SECTION

9-501. Prohibited in residential areas.
9-502. Hours of operation regulated.
9-503. Minors to be kept out; exception.

9-501. **Prohibited in residential areas.** It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1974 Code, § 5-501)

9-502. **Hours of operation regulated.** It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1974 Code, § 5-502)

9-503. **Minors to be kept out; exception.** It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1974 Code, § 5-503)

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¹Municipal code reference

Privilege taxes: title 5.
TITLE 10
ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. 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.
10-108. Inspections of premises.
10-109. Fines for violations, violation a public nuisance.

10-101. **Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1974 Code, § 3-101)

10-102. **Keeping near a residence or business restricted.** No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1974 Code, § 3-102)

10-103. **Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1974 Code, § 3-103)
10-104. **Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1974 Code, § 3-104)

10-105. **Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1974 Code, § 3-105)

10-106. **Cruel treatment prohibited.** It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1974 Code, § 3-106)

10-107. **Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the governing body. 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 governing body.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the governing body, to cover the costs of impoundment and maintenance. (1974 Code, § 3-107)

10-108. **Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1974 Code, § 3-108)

10-109. **Fines for violations, violation a public nuisance.** Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not
more than $50.00. In addition thereto, such violations are declared to be a public nuisance and may be enjoined and punished as such. Each day upon which such a violation occurs constitutes a separate offense. (Ord. #290A, Nov. 1987, as amended by Ord. #334B, Oct. 1993)
CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.
10-203. Running at large prohibited.
10-204. Vicious dogs to be securely restrained.
10-205. Noisy dogs prohibited.
10-207. Seizure and disposition of dogs.
10-208. Dogs to be restrained.
10-209. Manner of keeping dogs.
10-210. Fines for violations, violation a public nuisance.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog 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. (1974 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1974 Code, § 3-202)

10-203. Running at large prohibited. It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1974 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1974 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1974 Code, § 3-205)

1State law reference
10-206. **Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1974 Code, § 3-206)

10-207. **Seizure and disposition of dogs.** Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the governing body. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the governing body, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1974 Code, § 3-207)

10-208. **Dogs to be restrained.** It shall be unlawful for any person to fail to restrain a dog belonging to him, or under his control, from going upon the premises of another, or upon a public highway, road or street, provided that this section shall not apply to a dog being moved from one place to another, by a person owning or controlling a dog if all damage done by the dog in the course of being so moved shall be paid or tendered to the person so damaged or his agent, within 30 days after the damage is done. (Ord. #284, March 1987)

10-209. **Manner of keeping dogs.** The provisions of §§ 10-103 through 10-106, inclusive, of the Algood Municipal Code shall apply to the keeping of dogs, as well as the keeping of other animals. (Ord. #290A, Nov. 1987)

10-210. **Fines for violations, violation a public nuisance.** Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not

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 (1928).
more than $500.00. In addition thereto, such violations are declared to be a public nuisance and may be enjoined and punished as such. Each day upon which such a violation occurs constitutes a separate offense. (Ord. #290A, Nov. 1987, as amended by Ord. #334B, Oct. 1993)
TITLE 11

MUNICIPAL OFFENSES

CHAPTER
1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.

CHAPTER 1

ALCOHOL

SECTION
11-101. Drinking beer, etc., on streets, etc.
11-102. Minors in beer places.

11-101. **Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to transport, drink, or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (Ord. #339-A, Sept. 1994)

1Municipal code references
   Animals and fowls: title 10.
   Housing and utilities: title 12.
   Fireworks and explosives: title 7.
   Traffic offenses: title 15.
   Streets and sidewalks (non-traffic): title 16.

2Municipal code reference
   Sale of alcoholic beverages, including beer: title 8.

State law reference
   See [Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication)](https://code.tn.gov/73-8-203), cities may not pass separate legislation).
11-102. **Minors in beer places.** No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1974 Code, § 10-222, modified)
CHAPTER 2

FORTUNE TELLING, ETC.

SECTION
11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune-teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1974 Code, § 10-234)
CHAPTER 3
OFFENSES AGAINST THE PERSON

SECTION
11-301. Assault and battery.

11-301. **Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery. (1974 Code, § 10-201)
CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.
11-402. Anti-noise regulations.

11-401. **Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1974 Code, § 10-202)

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

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

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

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

(c) **Yelling, shouting, hooting, etc.** Yelling, shouting, hooting, whistling, or singing on the public streets or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any
hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

(k) **Noises to attract attention.** The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose
of attracting attention to any performance, show, or sale or display of merchandise.

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

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

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

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

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

CHAPTER 5
INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
11-501. Escape from custody or confinement.
11-502. Impersonating a government officer or employee.
11-503. False emergency alarms.
11-504. Resisting or interfering with city personnel.
11-505. Coercing people not to work.

11-501. **Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality 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. (1974 Code, § 10-209)

11-502. **Impersonating a government officer or employee.** No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1974 Code, § 10-211)

11-503. **False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1974 Code, § 10-217)

11-504. **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 municipality while such officer or employee is performing or attempting to perform his municipal duties. (1974 Code, § 10-210)

11-505. **Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from
entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1974 Code, § 10-230)
CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION
11-601. Air rifles, etc.
11-602. Throwing missiles.
11-603. Weapons and firearms generally.

11-601. **Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1974 Code, § 10-213)

11-602. **Throwing missiles.** It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1974 Code, § 10-214)

11-603. **Weapons and firearms generally.** It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1974 Code, § 10-212)
CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION
11-701. Trespassing.
11-702. Trespassing on trains.
11-703. Malicious mischief.
11-704. Interference with traffic.

11-701. **Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1974 Code, § 10-226)

11-702. **Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1974 Code, § 10-221)

11-703. **Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1974 Code, § 10-225)

11-704. **Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1974 Code, § 10-232)
CHAPTER 8

MISCELLANEOUS

SECTION

11-801. Abandoned refrigerators, etc.
11-802. Caves, wells, cisterns, etc.
11-803. Posting notices, etc.
11-804. Curfew for minors.
11-805. Wearing masks.

11-801. **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. (1974 Code, § 10-223)

11-802. **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. (1974 Code, § 10-231)

11-803. **Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1974 Code, § 10-227)

11-804. **Curfew for minors.** It shall be unlawful for any person under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1974 Code, § 10-224)

11-805. **Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of ten (10) years.
(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1974 Code, § 10-235)
TITLE 12
BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.
7. UNSAFE BUILDING ABATEMENT CODE.
8. MECHANICAL CODE.

CHAPTER 1
BUILDING CODE\(^1\)

SECTION
12-101. Building code adopted.  Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code\(^2\), 1994 edition with 1996 revisions, as prepared and adopted by

\(^1\)Municipal code references
  Fire protection, fireworks, and explosives: title 7.
  Planning and zoning: title 14.
  Streets and other public ways and places: title 16.
  Utilities and services: titles 18 and 19.

\(^2\)Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, (continued...
the Southern Building Code Congress International, Inc., is hereby adopted and
incorporated by reference as a part of this code, and is hereinafter referred to as
the building code. (1974 Code, § 4-101, modified)

12-102. Modifications. Whenever the building code refers to the "Chief
Appointing Authority" or the "Chief Administrator," it shall be deemed to be a
reference to the governing body. When the "Building Official" or "Director of
Public Works" is named it shall, for the purposes of the building code, mean
such person as the municipal governing body shall have appointed or designated
to administer and enforce the provisions of the building code. The schedule of
permit fees set forth in Appendix "B" is amended so that the fees to be collected
shall be exactly one-half of the sums therein prescribed. Provided, however,
that the minimum fee for an inspection shall be $1.50. Section 107 of the
building code is hereby deleted. (1974 Code, § 4-102)

12-103. Amendments. Sections 105.1 and 105.2 shall be replaced by
the foregoing amendments:

105.1 There is hereby established a board to be called the "Codes
Enforcement Board" which shall consist of five (5) members. The board
shall be appointed by the applicable governing body.

105.2

105.2.1 - Membership - The Construction Board of Adjustment and
Appeals should consist of five (5) members. Such board members should
be composed of individuals with knowledge and experience in technical
codes; however, this is not an absolute requirement. A board member
shall not act in a case in which he has a personal or financial interest.

105.2.2 - Terms - The term of office of board members shall be for two (2)
year periods. Vacancies shall be filled for an unexpired term in the
manner in which original appointments are required to be made.
Continued absence of any member from required meetings of the board
shall at the discretion of the applicable governing body, render any such
member subject to immediate removal from office.

(...continued)
Birmingham, Alabama 35213.
105.2.3 - Quorum and Voting - A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. In modifying a decision of the building official, not less than a majority of the board shall be required.

Subsequent to the passage of the foregoing amendment, the name "Board of Adjustments and Appeals" as used throughout the code shall be synonymous with the name "Codes Enforcement Board". (Ord. #325A, Sept. 1994)

12-104. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1974 Code, § 4-103, modified)

12-105. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1974 Code, § 4-104)
CHAPTER 2

PLUMBING CODE

SECTION
12-201. Plumbing code adopted.
12-203. Amendments.
12-204. Available in recorder's office.
12-205. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code, 1994 edition with 1995/1996 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1974 Code, § 4-201, modified)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the governing body of this municipality.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1974 Code, § 4-202)

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1Municipal code references
   Cross connections: title 18.
   Street excavations: title 16.
   Wastewater treatment: title 18.
   Water and sewer system administration: title 18.

2Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
12-203. **Amendments.** The plumbing code is amended as follows:

§ 611.2 Above ground materials for water distributing pipes and tubing shall be brass, copper water tube minimum type M, 1984 standard water tube, stainless steel water tube minimum grade H, or cast iron pressure pipe, all to be installed with the appropriate approved fittings.

§ 611.3 Underground - inaccessible water distribution piping under slabs shall be copper water tube minimum type M, 194 standard water tube, brass, or cast iron pressure pipe, all to be installed with appropriate approved fittings. Type M copper tube ANS 194 standard water tube shall be protected when used under floor slabs in corrosive soils. All ferrous pip and fittings shall be coated with coal tar enamel or other coating approved for such purpose. All threaded joints shall be coated and wrapped after installation.

Sections 108.1 and 108.2 shall be replaced by the foregoing amendments:

108.1

There is hereby established a board to be called the "Codes Enforcement Board" which shall consist of five (5) members. The board shall be appointed by the applicable governing body.

108.2

108.2.1 - Membership - The Board of Adjustment and Appeals should consist of five (5) members. Such board members should be composed of individuals with knowledge and experience in technical codes; however, this is not an absolute requirement. A board member shall not act in a case in which he has a personal or financial interest.

108.2.2 - Terms - The term of office of board members shall be for two (2) year periods. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

108.2.3 - Quorum and Voting - A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three (3)
affirmative votes shall be required. In modifying a decision of the plumbing official, not less than a majority of the board shall be required.

Subsequent to the passage of the foregoing amendment, the name "Board of Adjustments and Appeals" as used throughout the code shall be synonymous with the name "Codes Enforcement Board". (Ord. #320A, Jan. 1992, as amended by Ord. #324, March 1992)

12-204. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1974 Code, § 4-203, modified)

12-205. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1974 Code, § 4-204)
CHAPTER 3

ELECTRICAL CODE

SECTION
12-301. Electrical code adopted.
12-302. Available in recorder's office.
12-303. Permit required for doing electrical work.
12-304. Violations.
12-305. Enforcement.
12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,2 1996 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1974 Code, § 4-301, modified)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1974 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1974 Code, § 4-303)

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1Municipal code references
   Fire protection, fireworks and explosives: title 7.

2Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.
12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1974 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the municipal governing body shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1974 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1974 Code, § 4-306)
CHAPTER 4

GAS CODE

SECTION

12-401. Title and definitions.
12-402. Purpose and scope.
12-403. Use of existing piping and appliances.
12-404. Bond and license.
12-405. Gas inspector and assistants.
12-406. Powers and duties of inspector.
12-408. Inspections.
12-409. Certificates.
12-410. Fees.
12-411. Amendments.
12-412. Violations and penalties.
12-413. Nonliability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the municipality and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the municipal governing body.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1974 Code, § 4-401)
12-402. **Purpose and scope.** The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer’s gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,\(^1\) 1994 edition with 1996 revisions, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1974 Code, § 4-402, modified)

12-403. **Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer’s piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1974 Code, § 4-403)

12-404. **Bond and license.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer’s gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of $10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing,

\(^1\)Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1974 Code, § 4-404)

12-405. **Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the municipal governing body. (1974 Code, § 4-405)

12-406. **Powers and duties of inspector.** (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1974 Code, § 4-406)

12-407. **Permits.** (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.
When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1974 Code, § 4-407)

12-408. **Inspections.** (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1974 Code, § 4-408)

12-409. **Certificates.** The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1974 Code, § 4-409)

12-410. **Fees.** (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be $1.50 for one to four outlets, inclusive, and $0.50 for each outlet above four.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be $1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be $1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of $1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1974 Code, § 4-410)
12-13

12-411. **Amendments.** Sections 108.1 and 108.2 shall be replaced by the foregoing amendments:

108.1

There is hereby established a board to be called the "Codes Enforcement Board" which shall consist of five (5) members. The board shall be appointed by the applicable governing body.

108.2

108.2.1 - Membership - The Board of Adjustment and Appeals should consist of five (5) members. Such board members should be composed of individuals with knowledge and experience in technical codes; however, this is not an absolute requirement. A board member shall not act in a case in which he has a personal or financial interest.

108.2.2 - Terms - The term of office of board members shall be for two (2) year periods. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

108.2.3 - Quorum and Voting - A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. In modifying a decision of the gas official, not less than a majority of the board shall be required.

Subsequent to the passage of the foregoing amendment, the name "Board of Adjustments and Appeals " as used throughout the code shall be synonymous with the name "Codes Enforcement Board". (Ord. #326A, March 1992)

12-412. **Violations and penalties.** Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1974 Code, § 4-411)

12-413. **Nonliability.** This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person
injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1974 Code, § 4-412)
CHAPTER 5

HOUSING CODE

SECTION

12-503. Amendments.
12-504. Available in recorder's office.
12-505. Violations.

12-501. **Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,¹ 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1974 Code, § 4-501, as amended by Ord. #321, March 1992, modified)

12-502. ** Modifications.** Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the municipal governing body. Section 108 of the housing code is deleted. (1974 Code, § 4-502)

12-503. **Amendments.** Sections 106.1 and 106.2 shall be replaced by the foregoing amendments:

106.1 There is hereby established a board to be called the "Codes Enforcement Board" which shall consist of five (5) members. The board shall be appointed by the applicable governing body.

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
106.2

106.2(a) - Membership - The Board of Adjustment and Appeals should consist of five (5) members. Such board members should be composed of individuals with knowledge and experience in technical codes; however, this is not an absolute requirement. A board member shall not act in a case in which he has a personal or financial interest.

106.2(b) - Terms - The term of office of board members shall be for two (2) year periods. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

106.2(c) - Quorum and Voting - A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. In modifying a decision of the housing official, not less than a majority of the board shall be required.

Subsequent to the passage of the foregoing amendment, the name "Board of Adjustments and Appeals" as used throughout the code shall be synonymous with the name "Codes Enforcement Board". (Ord. #322A, March 1992)

12-504. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1974 Code, § 4-503, as amended by Ord. #321, March 1992, modified)

12-505. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (Ord. #321, March 1992)
CHAPTER 6

MODEL ENERGY CODE

SECTION
12-601. Model energy code adopted.
12-602. Modifications.
12-603. Available in recorder's office.
12-604. Violation and penalty.

12-601. **Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code (1992 edition), as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-602. **Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Algood. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the governing body shall have appointed or designated to administer and enforce the provisions of the energy code.

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1State law reference
Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

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

2Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.
12-603. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-604. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars ($500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.
CHAPTER 7

UNSAFE BUILDING ABATEMENT CODE

SECTION
12-701. Unsafe building abatement code adopted.
12-702. Modifications.
12-703. Amendments.
12-704. Available in recorder's office.
12-705. Violations.

12-701. Unsafe building abatement code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Unsafe Building Abatement Code1, 1985 edition as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (Ord. #321, March 1992, modified)

12-702. Modifications. Definitions. Whenever the unsafe building abatement code refers to the "Chief Appointing Authority," or the "Chief Administrator" it shall be deemed to be a reference to the governing body. When the "Building Official" is named it shall, for the purposes of the unsafe building abatement code, mean such person as the governing body has appointed or designated to administer and enforce the provisions of the unsafe building abatement code.

12-703. Amendments. The entire § 105 entitled Board of Adjustment Appeals of the Standard Unsafe Building Abatement Code is deleted and in its place is added the foregoing amendments:

105.1 Appointment. There is hereby established a board to be called the "Codes Enforcement Board" which shall consist of five (5) members. The board shall be appointed by the applicable governing body.

1Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
105.2 Membership and Terms.

105.2(a) - Membership - The Board of Adjustment and Appeals should consist of five (5) members. Such board members should be composed of individuals with knowledge and experience in technical codes; however, this is not an absolute requirement. A board member shall not act in a case in which he has a personal or financial interest.

105.2(b) - Terms - The term of office of board members shall be for two (2) year periods. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

105.2(c) - Quorum and Voting - A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. In modifying a decision of the unsafe building official, not less than a majority of the board shall be required.

105.3 Procedures. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code.

Subsequent to the passage of the foregoing amendment, the name "Board of Adjustments and Appeals" as used throughout the code shall be synonymous with the name "Codes Enforcement Board". (Ord. #321, March 1992)

12-704. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the unsafe building abatement code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #321, March 1992)

12-705. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the unsafe building abatement code as herein adopted by reference and modified. (Ord. #321, March 1992)
CHAPTER 8

MECHANICAL CODE

SECTION
12-801. Mechanical code adopted.
12-802. Modifications.
12-803. Amendments.
12-804. Available in recorder's office.
12-805. Violations.

12-801. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Mechanical Code\(^2\), 1994 edition with 1996 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #321, March 1992, modified)

12-802. Modifications. Definitions. Wherever the mechanical code refers to the "Building Department," "Mechanical Official," or "Building Official," or "Inspector" it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the mechanical code.

12-803. Amendments. The entire § 108 entitled Board of Adjustment Appeals of the Standard Mechanical Code is deleted and in its place is added the foregoing amendments:

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\(^1\)Municipal code references
Street excavations: title 16.
Wastewater treatment: title 18.
Water and sewer system administration: title 18.

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

There is hereby established a board to be called the "Codes Enforcement Board" which shall consist of five (5) members. The board shall be appointed by the applicable governing body.

108.2 Membership and Terms.

108.2.1 - Membership - The Board of Adjustment and Appeals should consist of five (5) members. Such board members should be composed of individuals with knowledge and experience in technical codes; however, this is not an absolute requirement. A board member shall not act in a case in which he has a personal or financial interest.

108.2.2 - Terms - The term of office of board members shall be for two (2) year periods. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

108.2.3 - Quorum and Voting - A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three (3) affirmative votes shall be required. In modifying a decision of the mechanical official, not less than a majority of the board shall be required.

Subsequent to the passage of the foregoing amendment, the name "Board of Adjustments and Appeals" as used throughout the code shall be synonymous with the name "Codes Enforcement Board". (Ord. #321, March 1992)

12-804. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (Ord. #321, March 1992)

12-805. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. (Ord. #321, March 1992)
TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER
1. MISCELLANEOUS.
2. JUNKYARDS.
3. CLEARING, CLEANING OF LOTS, ETC.
4. NUISANCES.
5. SLUM CLEARANCE.

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" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1974 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1974 Code, § 8-105)

1 Municipal code references
   Littering streets, etc.: § 16-107.
   Toilet facilities in beer places: § 8-212(12).
13-103. **Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1974 Code, § 8-106)

13-104. **Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1974 Code, § 8-107)

13-105. **Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1974 Code, § 8-108)

13-106. **Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1974 Code, § 8-109)

13-107. **House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1974 Code, § 8-104)

13-108. **Milk ordinance adopted by reference.**

(1) The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the City of Algood or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; and the issuance and revocation of permits to milk

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1The provisions in this section are taken substantially from the model ordinance prepared and distributed by the Tennessee Department of Health.
producers, haulers, and distributors shall be regulated in accordance with the provisions of Part I of the Grade A Pasteurized Milk Ordinance--1965 Recommendations of the United States Public Health Service, \(^1\) three (3) copies of which shall be filed in the office of the city recorder; provided, that in Section 1, "Definitions," A, "Milk" - Milk shall be understood to contain not less than 8½ per cent milk solids-not-fat and not less than 3½ per cent milkfat and that "not less than 8¼ per cent milk solids-not-fat and not less than 3¼ per cent milkfat" shall be deleted; D - "Reconstituted or Recombined Milk and Milk Products" and, I - "Fortified Milk and Milk Products" shall be deleted; O - "Milk Products" -- It shall be understood that "cottage cheese" and "creamed cottage cheese" have been added to this definition as defined in footnote No. four and that "modified skim milk", "modified flavored skim milk drink," and "modified cultured buttermilk" as defined in the Tennessee Dairy Laws are included in this definition; provided further, that in Section 3, the paragraph beginning with the words, "Upon written application of any person whose permit has been suspended ______________," shall be deleted in its entirety, and any reference elsewhere in this ordinance dealing with hearings before a permit can be suspended is also deleted; provided further, that the last sentence in the first paragraph of Section 5 shall read "Any violation of the same requirement of Section 7 on such reinspection shall call for permit suspension in accordance with Section 3 as amended, and/or court action."; provided further, that Sections 9, 16, and 17 of said unabridged ordinance shall be replaced respectively by Sections 2, 3, and 4 below.

(2) From and after the date on which this ordinance is adopted, only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

(3) Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $500.00, and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

\(^1\)This ordinance is Public Health Service Publication No. 229 and is for sale by the Superintendent of Documents U.S. Government Printing Office, Washington, D.C., 20402. Price $1.25.
(4) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon adoption as provided for by law. (1974 Code, § 8-112, as amended by Ord. #334B, Oct. 1993)


(1) The definitions; the inspection of food-service establishments; the issuance, suspension, and revocation of permits to operate food-service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of food service sanitation regulations shall be regulated in accordance with the unabridged form of the 1962 edition of the United States Public Health Service Food Service Sanitation Ordinance and Code¹, three copies of which are on file in the office of the recorder provided, that the words "municipality of Algood" in said unabridged form shall be understood to refer to the City of Algood, Tennessee; provided further, that in said ordinance all parenthetical phrases referring to grading and subsection H. 2. e. shall be understood to be deleted; and provided further, that subsections H. 7. and H. 8. shall be replaced respectively by subsections (2) and (3) below.

(2) Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars ($50.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

(3) This ordinance shall be in full force and effect from and after its adoption as provided by law and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. (1974 Code, § 8-113, as amended by Ord. #334B, Oct. 1993)

¹This ordinance and the code are contained in Public Health Service Publication No. 934 which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C., 20402. Price 55 cents.
CHAPTER 2

JUNKYARDS

SECTION

13-201. Junkyards.⁵ All junkyards within the corporate limits 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 so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1974 Code, § 8-111)

⁵State law reference
The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).
SECTION

13-301. Inspection of lots, etc.
13-303. Action may be taken by city council after notice.

13-301. **Inspection of lots, etc.** Upon the direction of the Mayor and Council of Algood, a servant of the city so designated shall inspect and investigate the conditions existing on any property within the city relative to the filling up, draining, clearing of grounds, yards and vacant lots within the city, and he shall report his findings to the city council. (1974 Code, § 8-501)

13-302. **Report of required action to council.** Upon the direction of the council, the recorder shall notify the owner or occupant of any lands within the city of the required action which should be taken by the said owner or occupant with respect to filling up, draining, cleaning or clearing of the property to protect the health, sanitation and safety of the citizens. (1974 Code, § 8-502)

13-303. **Action may be taken by city council after notice.** If upon thirty (30) days notice, the owner or occupant of the land has not acted as directed by the council, the recorder may direct that the required action be taken under the supervision of a servant of the city and that the expense incurred may be recovered by action, or the same may be a lien on the property and recovered in like manner as municipal taxes. (1974 Code, § 8-503)
CHAPTER 4

NUISANCES

SECTION
13-401. Declaration of nuisances.
13-402. General requirements.
13-404. Failure to comply with an order to correct a violation.
13-405. Penalties for failure to comply.
13-406. Payment of costs.

13-401. Declaration of nuisances. (1) The accumulation of trash, rubbish, abandoned appliances and other debris declared to be a nuisance. The allowing or permitting an accumulation of debris; rubbish; trash; cans; bottles; papers; or abandoned or unusable appliances on any lot, tract, or parcel of land within the corporate limits of the City of Algood constitutes a threat or menace to life, property, public health, or public welfare and/or creates a fire hazard is hereby specifically prohibited and declared to be a public nuisance.

(2) The accumulation of abandoned or undriveable motor vehicles declared to be a nuisance. The allowing or permitting an accumulation of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on any lot, tract, or parcel of land, and on the public rights-of-way, within the corporate limits of the City of Algood constitutes a threat or menace to life property, public health, or public welfare and/or creates a fire hazard is hereby specifically prohibited and declared to be a public nuisance.

(3) Overgrown vegetation declared to be a nuisance. The allowing or permitting a dense growth of trees, vines, grass, and underbrush to develop or occur on any lot, tract, or parcel of land within the corporate limits of the City of Algood constitutes a threat or menace to life property, public health, or public welfare and/or creates a fire hazard is hereby, specifically prohibited and declared to be a public nuisance. (Ord. #329-A, Oct. 1992)

13-402. General requirements. (1) Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the City of Algood are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of debris, rubbish, cans, bottles, papers, refuse, offal, filth and trash.

(2) Outside storage of appliances restricted. The outside storage of any appliance with a latching door is prohibited except as may be permitted in the City of Algood Zoning Code. Such appliances include, but are limited to refrigerators, chest-type freezers, and up-right freezers. In those zones where
the outside storage of such appliances may be permitted, the door shall be removed or the latching mechanism rendered inoperable.

(3) **Storage of abandoned vehicles prohibited.** The allowing or permitting the accumulation of abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicles on any lot, tract, or parcel of land, and on the public rights-of-way, within the corporate limits of the City of Algood is prohibited except as may be permitted in by the City of Algood Zoning Code. Abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles meeting the following conditions are exempt from this provision:

   (a) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned dragstrips or raceways.

   (b) Any motor vehicle over twenty-five years in age that is retained by its owner for collection purposes rather than for salvage or for transportation; said vehicle shall be maintained in operable condition and may be required to be kept in conformance with the following paragraph.

   (c) Any abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle kept within a building where it will not be visible from any adjacent property or right-of-way.

   (d) Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle on the premises of a business enterprise operated in strict compliance with all state regulations or as may be permitted by the City of Algood Zoning Code and when necessary to the operation of such business enterprise.

   (e) Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the City of Algood.

(4) **Removal of abandoned motor vehicles required.** It shall be the duty of the person, firm, or corporation that is the owner of lands on which any abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle is located to remove the same to a place of lawful storage or to have the such vehicle housed within a building where it will not be visible from any adjacent property or right-of-way.

(5) **Height of vegetation.** Grass and other vegetation commonly recognized as weeds shall be considered in violation of this chapter when said vegetation has reached a height of twelve (12) inches. (Ord. #329-A, Oct 1992)

13-403. **Notification.** Whenever any public nuisance, as defined by this chapter, exists on lands within the corporate limits of the City of Algood, the
City of Algood 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 not less than ten (10) days nor more than thirty (30) days from the date of 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 rolls of the City of Algood. (Ord. #329-A, Oct. 1992)

13-404. Failure to comply with an order to correct a violation. If the owner or owners of the premises fail or refuse to comply with the order issued by the City of Algood within the time period specified by the letter of notification, as provided herein such failure or refusal shall be deemed a violation of the provisions of this chapter and said owner or owners shall be subject to the penalties herein provided. (Ord. #329-A, Oct. 1992)

13-405. Penalties for failure to comply. If the owner or owners of the premises fail or refuse to comply with the order issued by the City of Algood within the time period specified by the letter of notification, the City of Algood or its duly authorized representatives may enter into such premises and take the corrective action specified in the letter of notification so that the nuisances identified by said letter is removed or abated. (Ord. #329-A, Oct. 1992)

13-406. Payment of costs. Upon the completion of the corrective action carried out by the City of Algood as authorized herein, the actual costs of such action plus a fee of fifteen percent (15%) for administrative costs, shall be paid by the owner or owners of said property to the City of Algood and said costs shall be billed to the owner or owners of said property. 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 tax rolls of the City of Algood as a lien upon said property and collected in the same manner as other city taxes are collected. (Ord. #329-A, Oct. 1992)
CHAPTER 5

SLUM CLEARANCE

SECTION
13-502. Initiation of proceedings; hearings.
13-503. Orders to owners of unfit structures.
13-504. When public officer may repair, etc.
13-505. When public officer may remove or demolish.
13-506. Lien for expenses; sale of salvage materials; other powers not limited.

13-501. "Public officer" designated; powers. The "public health officer," is designated to exercise the powers prescribed by this chapter. (Ord. #335A, Nov. 1993)

13-502. Initiation of proceedings; hearings. Whenever a petition is filed with the public health officer by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupancy or use, or whenever it appears to the public health officer (on his own motion) that any structure is unfit for occupation or use, the public health officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public health officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint that:

(1) The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and

(2) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public health officer. (Ord. #335A, Nov. 1993)

13-503. Orders to owners of unfit structures. If, after such notice and hearing, the public health officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his
finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #335A, Nov. 1993)

13-504. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure, the public health officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public health officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #335A, Nov. 1993)

13-505. When public officer may remove or demolish. If the owner fails to comply with an order to remove or demolish the structure, the public health officer may cause such structure to be removed and demolished. (Ord. #335A, Nov. 1993)

13-506. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public health officer shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the public health
officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public health officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #335A, Nov. 1993)
TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. HOUSE TRAILERS AND PERMITS.

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 nine (9) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other seven (7) 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 seven (7) members appointed by the mayor shall be for seven (7) years each. The seven (7) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1974 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1974 Code, § 11-102)
14-103. **Additional powers.**¹ 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. (1974 Code, § 11-103)

¹To make this section effective the municipality should request the State Planning Office, under authority granted by Tennessee Code Annotated, § 13-21-102 to designate the municipal planning commission as a regional planning commission.
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 Algood shall be governed by Ordinance titled "Zoning Ordinance of the City of Algood, Tennessee," dated August, 1990, and any amendments thereto.¹

¹The zoning ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder. Amendments to the zoning map are of record in the office of the city recorder.
CHAPTER 3

HOUSE TRAILERS AND PERMITS

SECTION
14-301. Compliance with this chapter required.
14-302. Permit required.
14-303. Permit fees.
14-304. Cut-off date for issuance of permits.
14-305. Trailers to be located in licensed parks only.
14-306. Permits to be acquired annually; trailers not to be relocated or replaced.
14-307. Connection to water and sewer system required.
14-308. No change of ownership.

14-301. Compliance with this chapter required. After December 1, 1974, it shall be unlawful to park, store, occupy, set, or place any house trailer, and/or mobile home on any lot or tract of land within the corporate limits of the City of Algood, Tennessee, unless the term and conditions of this chapter are complied with except on the lot of a duly authorized and licensed trailer or mobile home dealer exhibiting the same for sale. (1974 Code, § 4-601)

14-302. Permit required. No house trailer and/or mobile home shall be occupied or stored within the corporate limits of the City of Algood, Tennessee, unless the owner or occupant thereof shall first apply for a permit from the city building inspector and the owner or the occupant thereof after December 1, 1974, shall have thirty (30) days to apply for said permit. (1974 Code, § 4-602)

14-303. Permit fees. The city building inspector shall charge a fee of fifteen dollars ($15.00) for a permit to occupy or store a house trailer and/or mobile home and he shall not issue the same until the applicant exhibits a receipt from the Putnam County Court Clerk's Office showing that the state tax has been paid on the house trailer and/or mobile home for which application is being made and that the applicant conforms to all the terms and conditions contained in this chapter. If the trailer is exempt from the state trailer and/or mobile home tax, according to law, then the fee for the permit shall be twenty-five dollars ($25.00) per annum. (1974 Code, § 4-603)

14-304. Cut-off date for issuance of permits. No permit shall be issued to occupy or store any house trailer and/or mobile home within the corporate limits of the City of Algood, Tennessee, more that thirty (30) days
after December 1, 1974, it being the intent of the city council that after said date
no additional house trailers and/or mobile homes shall be stored or occupied on
any lot or plot of ground within the corporate limits of the City of Algood,
Tennessee, except as provided in § 14-305. (1974 Code, § 4-604)

14-305. Trailers to be located in licensed parks only. Within thirty
(30) days after December 1, 1974, no permit shall be issued for a house trailer
and/or mobile home to be stored or occupied on any lot or plot of ground within
the corporate limits of the City of Algood, Tennessee, except in a duly licensed
and authorized mobile home and/or trailer court which conforms to all the state
statutes of the State of Tennessee and the rules and regulations promulgated
by the Commissioner of Health of the State of Tennessee and approved by the
Algood Planning Commission. (1974 Code, § 4-605)

14-306. Permits to be acquired annually; trailers not to be
relocated or replaced. Every owner or occupant of a house trailer and/or
mobile home obtaining a permit as required by § 14-302 shall apply and obtain
the said permit annually and the said house trailer and/or mobile home for
which the said permit has been obtained, shall be removed to any other location
within the corporate limits of the City of Algood, Tennessee, nor can a new or
used house trailer and/or mobile home be substituted on the lot or plot of ground
for which the said permit was obtained. (1974 Code, § 4-606)

14-307. Connection to water and sewer system required. All house
trailers and/or mobile homes occupied within the corporate limits of Algood,
Tennessee, within thirty (30) days after December 1, 1974, shall be connected
to the city water and sewer systems, provided, however, such additional time
may be granted to tie on to the water and sewer systems as it takes for the
water and sewer departments to connect the said trailer and/or mobile home on
to the said lines under said departments' schedule of work and rules and
regulations. (1974 Code, § 4-607)

14-308. No change of ownership. No owner of a house trailer and/or
mobile home having obtained a permit as required by this chapter shall be
permitted to sell and/or transfer title to some other person to said house trailer
and/or mobile home. (1974 Code, § 4-608)
Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

State law references
Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.
15-111. Presumption with respect to traffic-control signs, etc.
15-112. School safety patrols.
15-113. Driving through funerals or other processions.
15-114. Clinging to vehicles in motion.
15-117. Projections from the rear of vehicles.
15-119. Vehicles and operators to be licensed.
15-120. Passing.
15-121. Damaging pavements.
15-122. Bicycle riders, etc.
15-123. Double axle trucks prohibited to travel on city streets.
15-124. Trucks or vehicles prohibited from spilling foreign matter on streets.
15-125. Maximum load limits on all city streets.
15-127. Following too closely.

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. (1974 Code, § 9-101)

15-102. **Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1974 Code, § 9-106)

15-103. **Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1974 Code, § 9-107)

15-104. **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. (1974 Code, § 9-109)

15-105. **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 municipality 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. (1974 Code, § 9-110)

15-106. 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. (1974 Code, § 9-111)

15-107. 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. (1974 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc. 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 municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1974 Code, § 9-113)

1 Municipal code references
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.
15-109. **General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the *Manual on Uniform Traffic Control Devices for Streets and Highways*,¹ 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 municipality. This section shall not be construed as being mandatory but is merely directive. (1974 Code, § 9-114)

15-110. **Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1974 Code, § 9-115)

15-111. **Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1974 Code, § 9-116)

15-112. **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. (1974 Code, § 9-117)

15-113. **Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1974 Code, § 9-118)

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¹This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.
15-114. **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. (1974 Code, § 9-120)

15-115. **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. (1974 Code, § 9-121)

15-116. **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. (1974 Code, § 9-122)

15-117. **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 (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1974 Code, § 9-123)

15-118. **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. (1974 Code, § 9-124)

15-119. **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." (1974 Code, § 9-125)

15-120. **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. (1974 Code, § 9-126)

15-121. **Damaging pavements.** No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1974 Code, § 9-119)

15-122. **Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

No person under the age of sixteen (16) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.
All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state’s commissioner of safety.

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

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

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1974 Code, § 9-127)

15-123. **Double axle trucks prohibited to travel on city streets.**

(1) It shall be unlawful for double axle trucks to travel on the streets of Algood, Tennessee except to make delivery to building sites, residences, or business places located within the city limits, or for truck drivers traveling to and from their residence within the city limits.

(2) In furtherance of the purpose of said prohibition, signs will be placed at points designated along city streets by the Mayor of Algood.

(3) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction therefor, shall be fined not less than $1.00 or more than $50.00 for each offense. (Ord. #175A, Oct. 1971)

15-124. **Trucks or vehicles prohibited from spilling foreign matter on streets.**

(1) It shall be unlawful for any person to spill gravel, sand, oil or any other foreign matter from trucks or any other moving vehicle on the streets and alleys within the city limits of Algood, Tennessee.

(2) Any persons violating this provision of this section shall be deemed guilty of a misdemeanor and upon conviction therefor, shall be fined not less than $10.00 or more than $500.00. (Ord. #180A, Oct. 1971, as amended by Ord. #334B, Oct. 1993)

15-125. **Maximum load limits on all city streets.**

(1) It shall be unlawful for trucks, trailers and other motorized vehicles with gross weight in excess of 20,000 pounds to travel upon the city streets within the corporate limits of the City of Algood.
(2) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less than $25.00 nor more than $50.00. (Ord. #229-A, April 1978)

15-126. Child safety restraint. Any person transporting a child under four (4) years of age in a motor vehicle upon a road, street, or highway within the City of Algood limits is responsible for providing for the protection of the child and properly using a child passenger restraint system meeting federal motor vehicle safety standards. (Ord. #355A, Nov. 1996)

15-127. Following too closely. A driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. (Ord. #355A, Nov. 1996)
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. (1974 Code, § 9-102)

15-202. Operation of authorized emergency vehicles. (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the

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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. (1974 Code, § 9-103)

15-203. **Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1974 Code, § 9-104)

15-204. **Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1974 Code, § 9-105)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.
15-304. 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. (1974 Code, § 9-201)

15-302. **At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1974 Code, § 9-202)

15-303. **In school zones.** It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1974 Code, § 9-203)

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 municipality. (1974 Code, § 9-204)
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. (1974 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1974 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1974 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1974 Code, § 9-304)


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 railroad crossings.
15-505. At "stop" signs.
15-506. At "yield" signs.
15-507. At traffic-control signals generally.
15-508. At flashing traffic-control signals.
15-509. At pedestrian control signals.
15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.\(^1\) Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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. (1974 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1974 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1974 Code, § 9-403)

\(^1\)Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.
15-504. **At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

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

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

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

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1974 Code, § 9-404)

15-505. **At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1974 Code, § 9-405)

15-506. **At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1974 Code, § 9-406)

15-507. **At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one 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.
(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. (1974 Code, § 9-407)

15-508. At flashing traffic-control signals.  (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the municipality it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1974 Code, § 9-408)
15-509. **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 municipality, 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. (1974 Code, § 9-409)

15-510. **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. (1974 Code, § 9-410)

¹State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 6

PARKING

SECTION

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 municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality 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 (18) inches 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. (1974 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person
shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1974 Code, § 9-502)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one 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. (1974 Code, § 9-503)

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

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection or within fifteen (15) feet thereof.
4. Within fifteen (15) feet of a fire hydrant.
5. Within a pedestrian crosswalk.
6. Within fifty (50) feet of a railroad crossing.
7. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
8. Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
9. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
10. Upon any bridge.
11. Alongside any curb painted yellow or red by the municipality. (1974 Code, § 9-504)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1974 Code, § 9-505)

**15-606. Regulation by parking meters.** In the absence of an official sign to the contrary which has been installed by the municipality, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the governing body, parking shall be regulated by parking meters where the same have been installed by the municipality. The presumption shall be that all installed parking meters were lawfully installed by the municipality. (1974 Code, § 9-506)
15-607. **Lawful parking in parking meter spaces.** Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1974 Code, § 9-507)

15-608. **Unlawful parking in parking meter spaces.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

   No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1974 Code, § 9-508)

15-609. **Unlawful to occupy more than one parking meter space.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1974 Code, § 9-509)

15-610. **Unlawful to deface or tamper with meters.** It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1974 Code, § 9-510)

15-611. **Unlawful to deposit slugs in meters.** It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1974 Code, § 9-511)

15-612. **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. (1974 Code, § 9-512)
15-613. Unauthorized use of handicap parking designation. It shall be unlawful for any person, except a person who meets the requirements for the issuance of a distinguishing placard or license plate, a disabled veteran's license plate, or who meets requirements of Tennessee Code Annotated 55-21-105d, as amended, to park in any parking space designated with the wheelchair disabled sign or otherwise properly designated as handicapped parking. (Ord. #355A, Nov. 1996)
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. Violation and penalty.

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. (1974 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1974 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1974 Code, § 9-603, modified)

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1State law reference
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. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars ($5.00) and the storage cost shall be one dollar ($1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1974 Code, § 9-604)


15-706. **Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) **Traffic citations.** Traffic citations shall be punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense.

(2) **Parking citations.** (a) **Parking meter.** If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of one dollar ($1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant for his arrest is issued, his fine shall be three dollars ($3.00).

(b) **Other parking violations.** For other parking violations, the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court but the fines shall be three dollars ($3.00) within ten (10) days and five dollars ($5.00) thereafter. (1974 Code, § 9-603, modified)
TITLE 16

STREETS AND SIDEWALKS, ETC

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION
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. (1974 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1974 Code, § 12-102)

1Municipal code reference
Related motor vehicle and traffic regulations: title 15.
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. (1974 Code, § 12-103)

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 (1974 Code, § 12-104)

16-105. **Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body after a finding that no hazard will be created by such banner or sign. (1974 Code, § 12-105)

16-106. **Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1974 Code, § 12-106)

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. (1974 Code, § 12-107)

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. (1974 Code, § 12-108)

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. (1974 Code, § 12-109)

¹Municipal code reference
Building code: title 12, chapter 1.
16-110. **Parades, etc., regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1974 Code, § 12-110)

16-111. **Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1974 Code, § 12-111, modified)

16-112. **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. (1974 Code, § 12-112)

16-113. **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. (1974 Code, § 12-113)

16-114. **Prohibited signs and banners without permit.** It shall be unlawful for any person, firm, corporation, association or others to place any banner or sign above any public street or alley or on any utility pole or on any other public property without first obtaining a permit from the recorder and depositing a fifty dollar ($50.00) bond to insure that the banner or sign is removed at some later date which shall be specified in the permit.

If the banner or sign is not removed prior to the date specified in the permit, the fifty dollar ($50.00) bond shall be forfeited to the City of Algood. (1974 Code, § 12-114)
CHAPTER 2
EXCAVATIONS AND CUTS

SECTION
16-201. Permit required.
16-203. Fee.
16-204. Deposit or bond.
16-205. Manner of excavating--barricades and lights--temporary sidewalks.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.
16-211. Truck loads not to exceed three inches below top of tailgate.
16-212. Pyramiding materials is permitted.

16-201. **Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1974 Code, § 12-201)

16-202. **Applications.** Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the

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1State 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).
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 recorder within twenty-four (24) hours of its filing. (1974 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($.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. (1974 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars ($25.00) if no pavement is involved or seventy-five dollars ($75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1974 Code, § 12-204)

16-205. Manner of excavating–barricades and lights–temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1974 Code, § 12-205)
16-206. **Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality 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 municipality, 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. (1974 Code, § 12-206)

16-207. **Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $100,000 for each person and $300,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate. (1974 Code, § 12-207)

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 municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1974 Code, § 12-208)
16-209. **Supervision.** The city administrator 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 municipality 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. (1974 Code, § 12-209, modified)

16-210. **Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1974 Code, § 12-210)

16-211. **Truck loads not to exceed three inches below top of tailgate.** It shall be unlawful for any person, firm, corporation or organization, or their agent, servants, or employees, to load or fill any truck, trailer or similar apparatus with rock, sand, gravel, lime or any other substance or material similar thereto at a height greater than three (3) inches below the top of the tailgate of the truck, trailer or similar apparatus knowing that the said truck, trailer or similar apparatus will go upon the public roads or streets or alleys of the City of Algood. (Ord. #215-A, July 1976)

16-212. **Pyramiding materials is permitted.** It is permitted to pyramid the aforesaid materials or substances at a height which would be greater than allowed as set forth in § 16-211, that is to allow the aforesaid materials or substances to be a greater height than allowed in § 16-211 near the midpoint of the bed of said truck, trailer or similar apparatus. (Ord. #215-A, July 1976)
TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER 1

REFUSE

SECTION
17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1974 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1974 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the
municipality handles mechanically. Furthermore, except for containers which the municipality handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1974 Code, § 8-203)

17-104. **Location of containers.** Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the municipality for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1974 Code, § 8-204)

17-105. **Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1974 Code, § 8-205)

17-106. **Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1974 Code, § 8-206)

17-107. **Collection vehicles.** The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1974 Code, § 8-207)

17-108. **Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for
refuse disposal by the governing body is expressly prohibited. (1974 Code, § 8-208)
TITLE 18

WATER AND SEwers^1

CHAPTER
1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWERS

SECTION
18-102. Definitions.
18-103. Obtaining service.
18-104. Application and contract for service.
18-105. Service charges for temporary service.
18-106. Connection charges.
18-108. Water and sewer main extension variances.
18-110. Meter tests.
18-111. Multiple services through a single meter.
18-113. Discontinuance or refusal of service.
18-114. Re-connection charge.
18-115. Termination of service by customer.
18-117. Inspections.
18-118. Customer's responsibility for system's property.
18-120. Supply and resale of water.
18-121. Unauthorized use of or interference with water supply.
18-122. Limited use of unmetered private fire line.

^1Municipal code references
   Building, utility and housing codes: title 12.
   Refuse disposal: title 17.
18-101. **Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1974 Code, § 13-101)

18-102. **Definitions.** (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the municipality under either an express or implied contract.

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

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

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

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

(6) "Premises" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1974 Code, § 13-102)

18-103. **Obtaining service.** A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1974 Code, § 13-103)

18-104. **Application and contract for service.** Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish such service.
The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability for the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1974 Code, § 13-104)

18-105. **Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1974 Code, § 13-105)

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

Before a new water or sewer service line will be laid by the municipality, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the municipality the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1974 Code, § 13-106)

18-107. **Water and sewer main extensions.** Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Waterworks Association Standard (or other construction approved by the governing body), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the governing body) two (2) inches in
diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the governing body shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the municipality, such water and/or sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (1974 Code, § 13-108)

18-108. **Water and sewer main extension variances**. Whenever the governing body is of the opinion that it is to the best interest of the municipality and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1974 Code, § 13-109)

18-109. **Meters**. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1974 Code, § 13-110)

18-110. **Meter tests**. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be
considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;, 3/4&quot;, 1&quot;, 2&quot;</td>
<td>2%</td>
</tr>
<tr>
<td>3&quot;</td>
<td>3%</td>
</tr>
<tr>
<td>4&quot;</td>
<td>4%</td>
</tr>
<tr>
<td>6&quot;</td>
<td>5%</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Test Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;, 3/4&quot;, 1&quot;</td>
<td>$ 2.00</td>
</tr>
<tr>
<td>1-1/2&quot;, 2&quot;</td>
<td>5.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>8.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>12.00</td>
</tr>
<tr>
<td>6&quot; and over</td>
<td>20.00</td>
</tr>
</tbody>
</table>

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1974 Code, § 13-111)

18-111. **Multiple services through a single meter.** No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1974 Code, § 13-113)
18-112. Billing. Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

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

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

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

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. (1974 Code, § 13-114)

18-113. Discontinuance or refusal of service. The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

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

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

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for
service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1974 Code, § 13-115)

18-114. **Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of ten dollars ($10.00) shall be collected by the municipality before service is restored. (1974 Code, § 13-116, modified)

18-115. **Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

2. During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1974 Code, § 13-117)

18-116. **Access to customers' premises.** The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1974 Code, § 13-118)
18-117. **Inspections.** The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1974 Code, § 13-119)

18-118. **Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1974 Code, § 13-120)

18-119. **Customer's responsibility for violations.** Where the municipality furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1974 Code, § 13-121)

18-120. **Supply and resale of water.** All water shall be supplied within the municipality exclusively by the municipality and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the municipality. (1974 Code, § 13-122)

18-121. **Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1974 Code, § 13-123)

18-122. **Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from
any fire hydrant thereon, except to fight fire or except when being inspected in
the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be
inspected at regular intervals to see that they are in proper condition and that
no water is being used therefrom in violation of these rules and regulations.
When the seal is broken on account of fire, or for any other reason, the customer
taking such service shall immediately give the municipality a written notice of
such occurrence. (1974 Code, § 13-124)

18-123. **Damages to property due to water pressure.** The
municipality shall not be liable to any customer for damages caused to his
plumbing or property by high pressure, low pressure, or fluctuations in pressure

18-124. **Liability for cutoff failures.** The municipality's liability shall
be limited to the forfeiture of the right to charge a customer for water that is not
used but is received from a service line under any of the following circumstances:

1. After receipt of at least ten (10) days' written notice to cut off water
service, the municipality has failed to cut off such service.
2. The municipality has attempted to cut off a service but such service
has not been completely cut off.
3. The municipality has completely cut off a service, but
subsequently, the cutoff develops a leak or is turned on again so that water
enters the customer's pipes from the municipality's main.

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

18-125. **Restricted use of water.** In times of emergencies or in times
of water shortage, the municipality reserves the right to restrict the purposes
for which water may be used by a customer and the amount of water which a
customer may use. (1974 Code, § 13-127)

18-126. ** Interruption of service.** The municipality will endeavor to
furnish continuous water and sewer service, but does not guarantee to the
customer any fixed pressure or continuous service. The municipality shall not
be liable for any damage for any interruption of service whatsoever.
In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damage from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1974 Code, § 13-128)

18-127. **Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.¹ (1974 Code, § 13-112)

¹Administrative ordinances and resolutions are of record in the office of the city recorder.
CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS

SECTION
18-201. Definitions.
18-202. Use of public sewers required.
18-203. Private sewage disposal.
18-204. Building sewers and connections.
18-205. Use of public sewers.
18-206. Protection from damage.
18-207. Powers and authority of inspectors.
18-208. Violations.

18-201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trades, or businesses as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a
degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

(17) "Shall" is mandatory; "May" is permissive.

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste in which the 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 concentration or flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the municipality, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1974 Code, § 13-201)

18-202. Use of public sewers required. (1) It shall be unlawful for any user to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(3) Except as hereafter 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.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality, 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 this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. (1974 Code, § 13-202)

18-203. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1974 Code, § 13-203)

18-204. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits:
   (a) For residential and commercial service, and
   (b) For service to establishments producing industrial wastes.

   In either case, the owner or his agent shall make application on a special form furnished by the municipality. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an

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1The state health department's ordinance provides "one hundred (100) feet" but this is inconsistent with its other ordinance which is set forth in title 18, chapter 3. Therefore, this provision has been revised in this code in an attempt to reconcile the two recommended ordinances of the health department.
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.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or the representative.

(11) All excavations for building sewer installations 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 municipality. (1974 Code, § 13-204)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff,
subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) 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 Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
   (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
   (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
   (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
   (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation in the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
   (a) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65° C).
(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32)° and one hundred fifty (150)° F (O and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; of wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:
   (i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
   (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
   (iii) Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.
   (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes
employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the
superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefor, by the industrial concern. (1974 Code, § 13-205)

18-206. Protection from damage. No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1974 Code, § 13-206)

18-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) of this section, the superintendent or duly authorized employees of the municipality 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 municipal employees and the municipality shall
indemnify the company against loss or damage to its property by municipal
employees and against liability claims and demands for personal injury or
property damage asserted against the company and growing out of the gauging
and sampling operation, except as such may be caused by negligence or failure
of the company to maintain safe conditions as required in § 18-205(8).

(3) The superintendent and other duly authorized employees of the
municipality bearing proper credentials and identification shall be permitted to
enter all private properties through which the municipality holds a duly
negotiated easement for the purposes of, but not limited to, inspection,
observation, measurement, sampling, repair, and maintenance of any portion
of the sewage works lying within said easement. All entry and subsequent
work, if any, on said easement, shall be done in full accordance with the terms
of the duly negotiated easement pertaining to the private property involved.
(1974 Code, § 13-207)

18-208. Violations. (1) Any person found to be violating any provision
of this chapter except § 18-206 shall be served by the municipality with written
notice stating the nature of the violation and providing a reasonable time limit
for the satisfactory correction thereof. The offender shall, within the period of
time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit
provided for in subsection (1) of this section shall be guilty of a misdemeanor,
and on conviction thereof shall be fined under the general penalty clause for this
municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall
become liable to the municipality for any expense, loss, or damage occasioned
the municipality by reason of such violation. (1974 Code, § 13-208)
CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION

18-301. Definitions.
18-302. Places required to have sanitary disposal methods.
18-303. When a connection to the public sewer is required.
18-304. When a septic tank shall be used.
18-305. Registration and records of septic tank cleaners, etc.
18-306. Use of pit privy or other method of disposal.
18-307. Approval and permit required for septic tanks, privies, etc.
18-308. Owner to provide disposal facilities.
18-309. Occupant to maintain disposal facilities.
18-310. Only specified methods of disposal to be used.
18-311. Discharge into watercourses restricted.
18-312. Pollution of ground water prohibited.
18-313. Enforcement of chapter.
18-314. Carnivals, circuses, etc.
18-315. Violations.

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

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

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

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

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

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

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1Municipal code reference
   Plumbing code: title 12, chapter 2.
Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1974 Code, § 8-301)

18-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1974 Code, § 8-302)

18-303. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1974 Code, § 8-303)

18-304. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the
health officer or his duly appointed representative. The design, layout, and
construction of such systems shall be in accordance with specifications approved
by the health officer and the installation shall be under the general supervision
of the department of health. (1974 Code, § 8-304)

18-305. Registration and records of septic tank cleaners, etc.
Every person, firm, or corporation who operates equipment for the purpose of
removing digested sludge from septic tanks, cesspools, privies, and other sewage
disposal installations on private or public property must register with the health
officer and furnish such records of work done within the corporate limits as may
be deemed necessary by the health officer. (1974 Code, § 8-305)

18-306. Use of pit privy or other method of disposal. Wherever a
sanitary method of human excreta disposal is required under § 18-302 and
water-carried sewage facilities are not used, a sanitary pit privy or other
approved method of disposal shall be provided. (1974 Code, § 8-306)

18-307. Approval and permit required for septic tanks, privies,
etc. Any person, firm, or corporation proposing to construct a septic tank
system, privy, or other sewage disposal facility, requiring the approval of the
health officer under this chapter, shall before the initiation of construction
obtain the approval of the health officer for the design and location of the
system and secure a permit from the health officer for such system. (1974 Code,
§ 8-307)

18-308. Owner to provide disposal facilities. It shall be the duty of
the owner of any property upon which facilities for sanitary sewage or human
excreta disposal are required by § 18-302, or the agent of the owner to provide
such facilities. (1974 Code, § 8-308)

18-309. Occupant to maintain disposal facilities. It shall be the
duty of the occupant, tenant, lessee, or other person in charge to maintain the
facilities for sewage disposal in a clean and sanitary condition at all times and
no refuse or other material which may unduly fill up, clog, or otherwise interfere
with the operation of such facilities shall be deposited therein. (1974 Code, § 8-
309)

18-310. Only specified methods of disposal to be used. No sewage
or human excreta shall be thrown out, deposited, buried, or otherwise disposed
of, except by a sanitary method of disposal as specified in this chapter. (1974
Code, § 8-310)
18-311. **Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1974 Code, § 8-311)

18-312. **Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1974 Code, § 8-312)

18-313. **Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (Ord. #313A, July 1990)

18-314. **Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of thirty (30) days provided for in the preceding section. (Ord. #313A, July 1990)

18-315. **Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1974 Code, § 8-315)
Municipal code references

Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.
18-402. **Regulated.** It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of this municipality. (1974 Code, § 8-402)

18-403. **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 insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks 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 until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks. (1974 Code, § 8-403)

18-404. **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 such provisions. After a thorough investigation of existing conditions and an appraisal for the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the waterworks. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the waterworks shall discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross connection, auxiliary intake, bypass, or interconnection has been discontinued. (1974 Code, § 8-404)
TITLE 19

ELECTRICITY AND GAS

CHAPTER
  1. ELECTRICITY.
  2. GAS.

CHAPTER 1

ELECTRICITY¹

SECTION
19-101. To be furnished under franchise.

19-101. **To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.² 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. (1974 Code, § 13-301)

¹Municipal code reference
   Electrical code: title 12.

²The agreements are of record in the office of the city recorder.
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.² (1974 Code, § 13-401)

¹Municipal code reference
Gas code: title 12.

²The agreements are of record in the office of the city recorder.
TITLE 20

MISCELLANEOUS

CHAPTER 1

ALARM SYSTEMS

SECTION

20-101. Title. This chapter shall be known as the "Police Burglary/Holdup/Panic Alarm Ordinance." (Ord. #328A, Oct. 1992)

20-102. Definitions. Unless it is apparent from the context that another is intended, the following words when used in this chapter shall have the meanings indicated herein:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police department that an emergency exists and the police department is needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility or portion thereof wherein an alarm system is maintained.

(3) "Alarm business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained,
serviced, repaired, altered, replaced, moved, or installed in or on any building structure, or facility.

(4) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically, or electronically transmits by telephone or telephone line connected to a dispatch facility a recorded message or code signal indicating a need for emergency response; or, a system which, upon activation, connects to an answering service whose function it is to transmit to the police department a need for emergency response.

(5) "False alarm" means an alarm signal eliciting a response by the police department when a situation requiring a response by the police department does not in fact exist; but, this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

(6) "Dispatch facility" means a communications center designated to receive, route, and otherwise handle all incoming police emergency service communications traffic.

(7) "Answering service" refers to a telephone answering service providing among its services the receiving on a continuous basis emergency signals from alarm systems and thereafter relaying the message to a dispatch facility or notifies the police department. (Ord. #328A, Oct. 1992)

20-103. **Automatic telephone dialing alarm system.** (1) It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing alarm system over any city telephone lines exclusively used by the public to directly request emergency service from the police department.

(2) The police department, when it has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system installed or operating in violation of this chapter shall, in writing, order the owner, operator, or lessee to disconnect and cease operation of the system within 72 hours of receipt of the order. (Ord. #328A, Oct. 1992)

20-104. **Permit issuance.** (1) The police department is hereby authorized to grant a revocable alarm users permit to any alarm user located in the city to operate, maintain, install, or modify a police alarm device, and no such device shall be operated unless such permit shall have first been issued.

(2) A permit issued pursuant to this chapter may be revoked at any time by the police department upon the giving of ten (10) days notice in writing by registered mail, to the permittee, sent to the address shown on the permit. Violation of this chapter, following conviction thereof shall constitute grounds for revocation of the permit. The failure of the police department to revoke the
permit following the finding of the city court that there has been a violation of this chapter, shall not be deemed a waiver of the right to revoke the permit.

(3) A fee shall be charged for issuance of any such permit, said fee being set and published from time to time as circumstances require by resolution of the city council. (Ord. #328A, Oct. 1992)

20-105. Application requirements for an alarm permit. Application for an alarm permit shall be made on forms provided by police department, and shall be accompanied by the fee as stipulated in § 20-104(3) hereof. The application form shall request following information:

(1) Make and type of alarm system.
(2) The name, address, and telephone number of the applicant's property to be serviced by the alarm, and the name, address, and telephone number of applicant's residence if different. If the applicant's alarm is serviced by an alarm company, then the applicant shall also include the name, address, and telephone number of that company including name and telephone number of any monitoring service if different from the alarm company.
(3) An emergency telephone number of the user or his representative to permit prompt notification of alarm calls and to assist police personnel in the inspection of the property.
(4) It is the applicant's responsibility to immediately notify the police department in writing of any and all changes in the information on file with the city regarding such permit. Failure to do so shall constitute grounds for revocation of the permit.
(5) The approximate time required for applicant or designated responsible keyholder to respond to the scene of an alarm activation. (Ord. #328A, Oct. 1992)

20-106. Items required for an alarm system to qualify for an alarm permit. (1) All alarm systems shall have a backup power supply that will become effective in the event of power failure or outage in the source of electricity.
(2) All alarm systems will have an automatic reset which silences the annunciator within thirty (30) minutes after activation and will be the responsibility of permittee to see that continued activations by the same event to not occur in an eight (8) hour time frame.
(3) Any system installed on or after the effective date of this ordinance shall comply with the requirements stipulated in this section. Pre-existing installations must comply with this section within six (6) months of the effective date of this ordinance.
(4) Any alarm system user must respond or have a designated representative to respond to the scene of any alarm activation to assist police personnel in inspection of the building, structure, or facility.

(5) After notification by the police department of an alarm activation any alarm user who fails to respond or have a designated representative respond to a scene of such alarm activation will be subject to a fine of not less than $5.00. Failure to respond to more than three (3) alarms in a permit year will be grounds for revocation of the alarm permit. (Ord. #328A, Oct. 1992)

20-107. False alarms. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by police personnel, an officer on the scene of the activated alarm shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the officer at the scene of the activated alarm system determines the alarm to be a true false alarm and not an accidental or emergency alarm then the officer on the scene will advise the alarm user or representative the system needs to be checked. More than one (1) such false alarm in a thirty (30) day period will result in a written notification to the permit holder. The permit holder upon receipt of the notification shall be entitled to a hearing before the city administrator or his designee. The permit holder desiring a hearing shall request said hearing within ten (10) days of date of notification.

(3) The police department shall have the right to inspect any alarm system user's premises to which response has been made and may cause an inspection of the system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter.

(4) It shall be a violation of this chapter to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subject to the penalty provisions hereof.

(5) There shall be provided to the alarm user, a ten-day grace period during the initial installation of the alarm system. Ten (10) days after the permit has been issued by the police department, § 20-108(1) will not apply. Any emergency response provided by the city thereafter will be under provisions § 20-108, unless otherwise noted herein.

(6) It shall be required and provided that any alarm business testing or servicing any alarm system notify the police department and instruct said department of the location and time of said testing and servicing. This section shall apply to any testing period after the initial installation period has ceased. Section 20-108(1) will not apply to the alarm user if prior notice of said testing has been made to the respective departments as outlined in this section. Any
violation of this section herein will be assessed under the provisions outlined in § 20-108.

(7) If the chief denies the issuance or renewal of a permit, or revokes a permit, he shall send written notice of his action and a statement of the right to an appeal by certified mail, return receipt requested, to both the applicant or permit holder and the applicable alarm installing service company.

(a) The applicant of permit holder may appeal the decision of the chief to the city administrator by filing a written request for a review, setting forth the reasons for the appeal within ten (10) days after receipt of the notice from the chief.

(b) Filing of a request for appeal shall stay the action by the chief of revoking a permit until the city administrator has completed his review. If a request for appeal is not made within the ten (10) day period, the action of the chief is final.

(c) A review ordered under § 20-107(7) requires the attendance of both permit holder and applicable alarm company.

(d) Permit holders shall be entitled to a hearing, if requested with ten (10) days of receipt of notice of a sustained revocation of permit. Hearing shall be conducted by a committee appointed by the city administrator. (Ord. #328A, Oct. 1992)

20-108. Fee assessment. (1) It is hereby found and determined that more than six (6) false or accidental alarms within a permit year are excessive and constitute a public nuisance. The activation of seven (7) or more false or accidental alarms within a permit year will be handled in the following manner:

(a) A service charge shall be automatically levied against the alarm user of $25.00 upon occurrence of the seventh (7th) alarm, a like amount for the eighth (8th) false or accidental alarm, and a service charge of $50.00 for the ninth (9th) and additional false or accidental alarms. All service charges levied shall be paid to the city by the alarm user within thirty (30) days of the date of the written notice of said charges. Failure to make payment within thirty (30) days from date of notice shall result in the revocation of alarm permit. Continued alarms from a revocated permit site may result in the ordered disconnection of the alarm system.

(b) The ninth (9th) false or accidental alarm within a permit year shall result in revocation of the alarm user's permit in the following manner:

(i) The alarm user shall be given (10) days advance written notification the alarm user's permit will be revoked, which written notice shall set forth the reason for such revocation.
(ii) Reinstatement of the permit and police department services may occur upon receipt of a letter from an alarm company that the alarm system is operating properly, and upon inspection and approval by the police department, and receipt of a $100.00 reinstatement fee.

(c) Additional false or accidental alarms within the permit year shall be handled in the same manner as §20-108(2)(b) hereof. (Ord. #328A, Oct. 1992)

20-109. **Disconnection.** In the event the alarm system emitting an audible, visual, or other similar response shall fail to be deactivated within the time limitations specified in §20-106 hereof, the city shall have the right to take such action as may be necessary in order to disconnect any such alarm. (Ord. #328A, Oct. 1992)

20-110. **Penalty for offenses.** Any person who violates any provisions of this chapter shall be guilty of a violation, and upon conviction in city court, shall be subject to a fine of $50.00. Each occurrence constitutes a separate offense. (Ord. #328A, Oct. 1992)
ORDINANCE NO. 358

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

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

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

WHEREAS the Mayor and Council of the City of Algood, 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 "Algood Municipal Code," now, therefore:

THE MAYOR AND THE COUNCIL OF THE CITY OF ALGOOD HEREBY ORDAINS, 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 "Algood 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 promIssing or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,
direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

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

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

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1State law reference
For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.
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. (As amended by Ord. #334A, Oct. 1993)

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 mayor and 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 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 2nd reading, ____________ **April 8**, 1977.

______________________________
Mayor

______________________________
Recorder