

**THE
FRIENDSVILLE
MUNICIPAL
CODE**

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

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CITY OF FRIENDSVILLE, TENNESSEE

MAYOR

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ALDERMEN

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RECORDER

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PREFACE

The Friendsville Municipal Code contains the codification and revision of the ordinances of the City of Friendsville, 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 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Sandy Selvage, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

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

Section 11. Be it further enacted, That the affirmative vote of the majority of the members shall be necessary to adopt any ordinance or resolution. Each and every ordinance or resolution passed by the Board of Commissioners shall be signed by the presiding officer and shall be filed with the Recorder...

Section 43. All ordinances shall begin with the clause, "Be it ordained by the Board of Commissioners of the City of Friendsville, Tennessee." Every proposed ordinance shall be introduced in writing, in the form required for final adoption. An ordinance may be introduced by any member of the Board of Commissioners. Upon introduction, a copy shall be distributed to each member of the Board of Commissioners, the Recorder and City Attorney. The body of ordinances may be omitted from the journal, but reference therein shall be made to the ordinance by title and/or subject matter. Every ordinance enacted by the Board of Commissioners shall be presented to the Board of Commissioners and passed by a majority of the members of the Board of Commissioners present on two (2) separate days, the second presentation to be not less than fourteen (14) days following the first presentation unless a majority of the entire Board of Commissioners shall by recorded vote waive this time requirement. Upon each presentation the caption of the ordinance shall be read or its substance stated. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance after final passage and upon receiving the signature of the mayor, shall be immediately taken charge of by the Recorder, numbered by the Recorder, copied into an ordinance book and there authenticated by the signature of the Mayor and the Recorder, and then filed and preserved in the Recorder's office.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. MISCELLANEOUS.
2. BOARD OF COMMISSIONERS.
3. MAYOR.
4. RECORDER.
5. CITY CLERK.

CHAPTER 1

MISCELLANEOUS

SECTION

- 1-101. Definitions and rules of construction.
- 1-102. Committees.
- 1-103. Bonds required.
- 1-104. Duties of city officials.

1-101. Definitions and rules of construction. In the construction of this code and of all amendments, the following definitions and rules of construction shall be observed, unless inconsistent with the intent of the council or the context clearly requires a different meaning.

(1) "City." The words "the city," "this city," or "town" shall mean the City of Friendsville, in the County of Blount, in the State of Tennessee, except as otherwise provided.

(2) "Computation of time." The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded, and the day next following shall be included.

(3) "County." The words "the county" or "this county" shall refer to Blount, County, Tennessee.

¹Charter references

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

Municipal code references

Fire department: title 7.

Wastewater treatment: title 18.

Zoning: title 14.

(4) "Employee." The word "employee" shall mean all employees of the city other than elected officers.

(5) "Gender." Words importing the masculine gender shall include the feminine and the neuter unless the gender is clearly indicated or unless the context in which it is used would not otherwise permit such meaning.

(6) "Month." The word "month" shall mean a calendar month.

(7) "Number." Words used in the singular include the plural and the plural include the singular number.

(8) "Oath." The word "oath" shall be construed to include an affirmation which may be substituted for an oath, and in such case the words "swear" and "sworn" shall be equivalent to the words "affirm" or "affirmed."

(9) "And/or." "Or" may be read "and," and "and" may be read "or" if the sense required it.

(10) "Owner." The word "owner" as applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or the part of such buildings or land.

(11) "Person." The word "person" shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

(12) "Personal property." Personal property includes every species of property except real property.

(13) "Policemen." Shall mean policeman, marshal, or city constable.

(14) "Preceding," "following." The words "preceding" and "following," shall mean next before and next after, respectively.

(15) "Property." The word "property" shall include real and personal property.

(16) "Real property." Real property shall include lands, tenements, and hereditaments.

(17) "Sidewalk." The word "sidewalk" shall mean any portion of the street between the curb line and the adjacent property line, intended primarily for the use of pedestrians.

(18) "Street." The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

(19) "Tenant." The words "tenant" and "occupant," applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

(20) "Tense of verbs." Words "writing" and "written" shall include printing or any other mode of representing words and letters.

(21) "Year." The word "year" shall mean a calendar year, unless otherwise specified. (1952 Code, § 1-6)

1-102. Committees. The mayor with the approval of the council may appoint such committees of the council as may be needed from time to time. (1952 Code, § 2-8)

1-103. Bonds required. The city clerk, chief of police and any other official receiving and/or disbursing money shall give bond to insure faithful performance of duty and to pay over all monies coming into their possession properly belonging to the city. These bonds shall be as follows: city clerk \$2,000.00, chief of police \$_____. (1952 Code, § 2-9)

1-104. Duties of city officials. The officers of the city shall have such duties as may be designated by the city charter, required by general law, or assigned by the mayor and city council upon the passage of appropriate ordinances or resolutions. (1952 Code, § 2-11)

CHAPTER 2

BOARD OF COMMISSIONERS¹

SECTION

1-201. Time and place of regular meetings.

1-202. General rules of order.

1-201. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 7:00 P.M. on the second Tuesday of each month and at such other hours or times as the chief executive may designate. (1952 Code, § 2-10)

1-202. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order shall govern the transaction of business by and before the board of commissioners at its meetings. (1952 Code, § 2-13)

¹Charter references

Election and term of office: § 5.

Quorum: § 8.

Salaries: § 6.

CHAPTER 3

MAYOR¹

SECTION

1-301. Oath of office.

1-302. Duties.

1-301. Oath of office. The mayor shall be sworn in by the outgoing mayor or by any person qualified to give the oath of office, which shall be as follows:

"I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Tennessee and the charter of the city, and that I will faithfully execute and perform with fidelity the duties incumbent on me as mayor of the city to which office I have been elected and which I am about to assume, according to law and to the best of my skill and ability; that I will make all appointments that it becomes my duty to make without favor, partiality, or prejudice, and alone upon the grounds of qualification." (1952 Code, § 2-1)

1-302. Duties. The mayor shall have such duties as prescribed by the charter and such other duties as assigned by the council. He shall administer the oath of office to each of the commissioners, which oath shall be as follows:

"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Tennessee and the charter of the city; and that, as a member of the council, I will, in all elections, vote without favor, partiality, or prejudice; and that I will not propose or assent to any ordinance, vote, or resolution which shall appear to be injurious to the people, or consent to any act or thing whatever that shall have a tendency to oppress or abridge the rights of the people, and declared by the charter of the city and the constitution of the state." (1952 Code, § 2-1)

¹Charter references
Duties, etc.: §§ 13-15.

CHAPTER 4

RECORDER¹

SECTION

1-401. Election; duties.

1-402. Oath of office.

1-401. Election; duties. There shall be a city recorder elected by the board of commissioners in the event the mayor declines to serve in this capacity. He shall serve as city judge and shall have such duties as are assigned by charter and by the board of commissioners. (1952 Code, § 2-1.1)

1-402. Oath of office. The city recorder shall take the following oath from the mayor:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Tennessee, and the charter of the city, and that I will decide all cases that come before me for trial as recorder according to the law and evidence in the case, and that I will faithfully and impartially perform all the duties incumbent on me to the best of my skill and ability." (1952 Code, § 2-1.1)

¹Charter references
Duties: §§ 21, 22.
Salary: § 21.

CHAPTER 5

CITY CLERK

SECTION

1-501. Election; duties.

1-502. Oath of office.

1-501. Election; duties. There shall be a city clerk elected by the board of commissioners. He shall have such duties as are assigned by charter and the board of commissioners. (1952 Code, § 2-2)

1-502. Oath of office. The city clerk shall take the following oath from the mayor:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Tennessee and the charter of the city, and I will faithfully and impartially perform all the duties incumbent on me to the best of my skill and ability." (1952 Code, § 2-2)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. 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. (Ord. #80-3, Feb. 1980)

¹Charter references

Appeals: § 25.

Disposition of fines: §§ 27, 28.

Recorder presides over court: § 23.

Warrants: § 26.

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 and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (Ord. #80-3, Feb. 1980)

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 general sessions¹ for similar work in state cases. (Ord. #80-3, Feb. 1980)

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 city. 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. (Ord. #80-3, Feb. 1980)

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. (Ord. #80-3, Feb. 1980)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and

¹State law reference

Tennessee Code Annotated, § 8-21-401.

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. (Ord. #80-3, Feb. 1980)

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. (Ord. #80-3, Feb. 1980)

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. (Ord. #80-3, Feb. 1980)

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. (Ord. #80-3, Feb. 1980)

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. (Ord. #80-3, Feb. 1980)

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 (Ord. #80-3, Feb. 1980)

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. (Ord. #80-3, Feb. 1980)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL POLICY.
2. SOCIAL SECURITY.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

PERSONNEL POLICY

SECTION

4-101. Established by resolution.

4-101. Established by resolution. Personnel administration for the City of Friendsville is established by Resolution #98-06, adopted on June 25, 1998, and amendments thereto.¹

¹Resolution #98-06, and any amendments thereto, are available in the office of the recorder.

CHAPTER 2

SOCIAL SECURITY

SECTION

- 4-201. Policy and purpose as to coverage.
- 4-202. Necessary agreements to be executed.
- 4-203. Withholdings from salaries or wages.
- 4-204. Appropriations for employer's contributions.
- 4-205. Records and reports to be made.
- 4-206. Exclusions.

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Friendsville, Tennessee, to extend at the earliest date, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1952 Code, § 3-3(1))

4-202. 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. (1952 Code, § 3-3(2))

4-203. 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. (1952 Code, § 3-3(3))

4-204. 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. (1952 Code, § 3-3(4))

4-205. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1952 Code, § 3-3(5))

4-206. Exclusions. (1) There is hereby excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, there covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city.

(2) There is hereby excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, compensation for which is on a fee basis, or any position, or any employee or official, not authorized to be covered by applicable state or federal laws or regulations. (1952 Code, § 3-3(6) & (7))

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Definitions.
- 4-304. Coverage.
- 4-305. Employer's rights and duties.
- 4-306. Employee's rights and duties.
- 4-307. Standards authorized.
- 4-308. Variances from standards authorized.
- 4-309. Imminent danger.
- 4-310. Inspection.
- 4-311. Citation and hearing.
- 4-312. Penalties.
- 4-313. Recordkeeping and reporting.
- 4-314. Administration.
- 4-315. Compliance with other laws, etc.

4-301. Title. This chapter shall be known as "The Occupational Safety and Health Program for the Employees of the City of Friendsville." (Ord. #74-9, Jan. 1974)

4-302. Purpose. The City of Friendsville, 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, with the exception of articles of personal protective equipment which are required by regulation to be purchased by 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, including the director of the office of occupational safety and health, 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 and reviewed 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 or his designated representative 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 public 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.

(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 subsection (3) hereinabove 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 as soon as reasonably possible after the provisions of this chapter have been enacted. (Ord. #74-9, Jan. 1974)

4-303. 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 public health" means the chief executive officer of the Tennessee Department of Public Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of public health.

(3) "Employer" means the City of Friendsville, 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 Friendsville to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's occupational 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 the specific department, commission, board, division, or other agency of the city.

(6) "Employee" means any person performing services for the City of Friendsville and listed on city payrolls either as part time, seasonal, 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 Public Health which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

(9) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures; provided, however, that this definition shall not include hazardous operations which are undertaken for the public's safety and well-being.

(10) "Serious physical harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:

(a) A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger; loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g. leg shattered so severely that mobility would be permanently reduced), or

(b) A part of an internal bodily system would be inhibited in its normal performance to such a degree as to shorten life or cause reduction in physical or mental efficiency; (e.g., lung impairment, causing shortness of breath).

On the other hand, breaks cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(11) "Establishment" or "workplace" means a single physical location where business is conducted or where service or industrial operations are performed. (Ord. #74-9, Jan. 1974)

4-304. Coverage. The provisions of this program shall apply to employees of each administrative department, commission, board, division, or other agency of the City of Friendsville. (Ord. #74-9, Jan. 1974)

4-305. Employer's rights and duties. 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 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 Public Health, upon reasonable notice from the said commissioners, in the performance of their inspection 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 occupational 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 the provisions of this chapter have been fully implemented.

(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. (Ord. #74-9, Jan. 1974)

4-306. Employee's rights and duties. 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 and 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 the provisions of this chapter have 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 Friendsville.

(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, and except when such medical examination is reasonably required for performance of a specified job. (Ord. #74-9, Jan. 1974)

4-307. Standards authorized. The standards adopted by the City of Friendsville are the applicable State of Tennessee safety and health standards developed under section 6 of the State Occupational Safety and Health Act of 1972. (Ord. #74-9, Jan. 1974)

4-308. Variances from standards authorized. The City of Friendsville may, upon written application to the State Commissioner of Labor or the State Commissioner of Public 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. (Ord. #74-9, Jan. 1974)

4-309. Imminent danger. (1) Any allegation of imminent danger received shall be handled in accordance with the following procedures:

(a) The director of personnel shall immediately ascertain whether there is a reasonable basis for the complaint.

(b) If the imminent danger complaint appears to have merit, the director of personnel shall cause an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the director of personnel or the compliance inspector shall attempt to have the danger corrected through voluntary compliance. If any employees

appear to be in immediate danger, they should be informed of the danger, and the supervisory personnel in charge should be requested to remove them from the area of immediate danger.

(d) The administrative head of the workplace or his authorized representative is responsible for determining the manner in which he will abate the dangerous condition.

(e) The imminent danger shall be deemed abated if the imminence of the danger has been eliminated by removing the employees from the area of danger or the conditions or practices which resulted in the imminent danger have been eliminated.

(2) The following procedures shall be followed in the event of a refusal to abate: The director of personnel shall take whatever steps are necessary to comply with the abatement procedures set forth in subsection (1)(e) above. (Ord. #74-9, Jan. 1974)

4-310. Inspection. (1) In order to carry out the purpose of this program, the director of personnel is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, work place, or environment where work is performed by an employee of the City of Friendsville; 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 working therein.

(2) If an imminent danger situation is alleged or brought to the attention of the director of personnel during a routine inspection, he shall immediately inspect the imminent danger situation before inspecting the remaining portions of the workplace.

(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 director of personnel during the physical inspection of any work place 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 shall be accomplished without advance notice, but the director of personnel may authorize the giving to any supervisor or employee advance notice of an inspection. (Ord. #74-9, Jan. 1974)

4-311. Citation and hearing. (1) If, upon an inspection or investigation, the director of personnel finds that any work place is not in compliance with any standard, rule, regulation, or order, and said official is unable to effect a voluntary agreement to bring the work place into compliance, 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 a hearing shall be held, and the director of personnel shall thereafter issue an order affirming, modifying, or vacating the citation, and such order shall be final.

(3) The director of personnel may issue subpoenas pursuant to his duties as set forth herein to require the attendance and testimony of witnesses and the production of evidence under oath at such hearings. (Ord. #74-9, Jan. 1974)

4-312. Penalties. (1) The City of Friendsville shall not issue any civil or criminal penalties against any public official, employee, or any other person, administrative department, commission, board, division, or other agency of the City of Friendsville for failure to comply with the safety and health standards.

(2) Any employee who willfully 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 within ten days after receiving notice of the disciplinary action; and a hearing shall be held as set forth in subsections (2) and (3) of § 4-311. (Ord. #74-9, Jan. 1974)

4-313. Recordkeeping and reporting. (1) The City of Friendsville shall establish and maintain a system for collecting, maintaining, and reporting safety and health data as soon as reasonably possible after implementing § 4-302.

(2) All occupational injuries and illnesses shall be reported to the director of personnel on the OSHA forms provided by the State Department of

Labor, except that Workmen's Compensation Form 6A may be used in lieu of the Supplementary Record of Occupational Injury/Illness, Form OSHA No. 101.

(3) The director of personnel shall maintain a continuous log of occupational injuries and illnesses compiled from the reports set forth above and recorded on Form OSHA No. 100.

(4) 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.

(5) After the provisions of this chapter have been enacted, the City of Friendsville shall report within forty-eight (48) hours, either orally or in writing, to the Commissioner of Labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees.

(6) The City of Friendsville shall make an annual report, after the provisions of this chapter have been fully implemented, to the Commissioner of Labor showing the statistical data required by section 50-550-106 (Annual Summary) of the State OSHA Regulations for Recordkeeping and Reporting. (Ord. #74-9, Jan. 1974)

4-314. Administration. For the purpose of this chapter, the commissioner of streets 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's occupational safety and health program.

(1) Upon authorization from the board of commissioners, 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 to the compliance inspector(s), 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, and such a plan shall be submitted for approval and adopted by the mayor and board of commissioners. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and board of commissioners for approval and adoption.

(5) The city recorder shall upon adoption of the provisions of this chapter immediately register the city's occupational safety and health program 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 Friendsville 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 recordkeeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972. (Ord. #74-9, Jan. 1974)

4-315. Compliance with other laws, etc. (1) Compliance with any other law, statute or ordinance which regulates safety and health in employment and places of employment shall not excuse the City of Friendsville or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any other law, statute, or ordinance which regulates safety and health in employment and places of employment shall not excuse the City of Friendsville 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 resolution is specifically repealed. (Ord. #74-9, Jan. 1974)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. BUSINESS, MERCHANT TAXES.
4. BEER TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Official depository for city funds.
- 5-102. Expenditures by city clerk.
- 5-103. City budget.
- 5-104. Public advertising and competitive bidding.

5-101. Official depository for city funds. _____ shall be the official depository for all city funds. (1952 Code, § 2-12)

5-102. Expenditures by city clerk. (1) All expenditures shall be made by the city clerk or, in his absence, by some person designated by him and responsible to him; provided, however, that any expenditure in excess of fifty dollars (\$50.00) shall have the prior approval of the council.

(2) All checks issued in payment for expenditures shall be signed by the clerk and countersigned by the mayor. (1952 Code, § 4-4)

5-103. City budget. It shall be the duty of the city clerk on or before the 1st day of each fiscal year to present to the council a tentative budget for the ensuing year.

Such tentative budget shall be based upon expected revenues for the ensuing fiscal year. Total estimated expenditures shall not exceed expected revenues. (1952 Code, § 4-5)

5-104. Public advertising and competitive bidding. The amount required for public advertisement and competitive bidding is hereby increased

¹Charter references

Fiscal year and annual budget: §§ 35-38.

Taxation and revenue: §§ 39-41.

to ten thousand dollars (\$10,000.00). All purchases for less than ten thousand dollars (\$10,000.00) may be made by the City of Friendsville without public advertisement and competitive bidding. (as added by Ord. #2005-01, Feb. 2005)

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES

SECTION

5-201. Taxes due and payable.

5-201. Taxes due and payable. (1) All city taxes shall become due and payable at the time designated, and unless paid shall become delinquent and subject to the penalties provided in the charter.¹

(2) The collectors of such taxes are authorized to seize and sell any property that any collector for state and county taxes could seize, and to sell the same for payment of such taxes.

(3) Any willful or negligent failure of the city clerk, chief of police, or other city employee, so authorized, to collect any taxes due shall constitute a breach of the bond of such officer or employee and shall render him liable for the payment of such taxes not collected. (1952 Code, § 4-1)

¹Charter reference
Taxation and revenue: § 39.

CHAPTER 3

BUSINESS, MERCHANT TAXES

SECTION

5-301. Occupation and business tax.

5-302. Transient merchant tax.

5-301. Occupation and business tax. (1) It shall be unlawful for anyone not excused by state law to operate or conduct a business or occupation listed in Chapter 108, Public Acts of Tennessee, 1937, and subsequent amendments, without first having obtained a license from the city clerk.

(2) The city clerk shall collect for the privilege of conducting a business or occupation within the city the maximum rate for such business or occupation as authorized by Chapter 108, Public Acts of Tennessee, 1937, as amended. (1952 Code, § 4-2)

5-302. Transient merchant tax. (1) Each transient or temporary merchant shall pay a tax of three hundred fifty dollars (\$350.00) per annum. This tax shall not be paid for less than one (1) year.

(2) Every person, whether as principal or agent, who engages in a temporary business in any building, structure, car, booth, tent, or other place, or who advertises, represents, or holds out any goods, wares, or merchandise, being sold as insurance, bankrupt, railway wreck, wholesale manufacturers closing out sale, or so-called smoke, fire, or water damaged goods sale; and every person engaging in the sale, distribution, or otherwise marketing or dealing in any fresh fruits and vegetables, or either, as a temporary business, in any building, structure, car, wagon, motor vehicle, booth, tent, or other place, shall be deemed for the purpose of this section a temporary and transient merchant, unless such person has previously, for a period of one (1) year immediately prior thereto, conducted in good faith a merchant's business within this city.

(3) Any person intending to go into business permanently shall be exempt from the provisions of this section upon filing with the city clerk an application under oath for a license as a permanent merchant, provided, however, that the clerk may require a bond with corporate sureties for the amount due the city under this section, conditional upon his becoming and remaining a permanent merchant for a period of one (1) year.

(4) This section shall not apply to farmers selling their own farm produce. (1952 Code, § 4-2.1)

CHAPTER 4

BEER TAX

SECTION

5-401. Definitions.

5-402. Amount of tax.

5-403. Penalty and interest.

5-404. Failure to file return.

5-405. Administration of tax.

5-406. Bond of licensee.

5-401. Definitions. (1) The word "beer" shall mean beer and all other beverages of like alcoholic content as defined by the provisions of Chapter 69, Public Acts of Tennessee, for the year 1933, as amended by Chapter 170, Public Acts of Tennessee, for the year 1935.

(2) "Retail sale" shall mean any sale or distribution where beer is to be consumed or finally disposed of in any manner, including sales or gifts by wholesalers or distributors, except where such sale is intended for resale. (1952 Code, § 4-3(1))

5-402. Amount of tax. Every person selling beer at retail shall collect from the purchaser thereof a tax of ten percent (10%), and shall hold same in a separate fund until paid to the city on or before the 10th day of the succeeding month. Every such person on or before the 10th day of each month after the effective date of this chapter shall make a return in duplicate to the city clerk on a form which shall show the quantity of beer delivered by wholesalers, or secured from any other source during the preceding calendar month, and show the retail sale price for each brand of beer. The quantity of beer so received shall be the amount sold at retail for the purposes of the computation of the tax herein levied. (1952 Code, § 4-3(2))

5-403. Penalty and interest. Every such person, at the time of making a return, shall pay the amount of the tax shown on the return as being due for the preceding month. If payment is not made on or before the 10th day of the said succeeding month, a penalty of one dollar (\$1.00) per day, plus interest at the rate of six percent (6%) from the date the taxes become due until the date paid, shall be added. (1952 Code, § 4-3(3))

5-404. Failure to file return. (1) The tax, together with the penalty and interest thereon, shall be a debt due the city and shall be a lien upon all the property of the taxpayer, and said lien shall have priority over all other liens as obligations except those due the State of Tennessee and the United States and

except others due the city and county, with which said lien shall be of equal dignity.

(2) If any person liable for the tax herein imposed fails to file a return, or the city clerk or the council have reasonable cause to believe that an erroneous statement has been filed, the city clerk shall proceed to determine the amount of the tax due, and in connection therewith shall make such investigation and take such testimony and evidence as may be necessary; provided, however, that the taxpayer shall be given notice and an opportunity to be heard before the city clerk before any final determination is made. (1952 Code, § 4-3(4) & (5))

5-405. Administration of tax. (1) The council may adopt rules and regulations not inconsistent with the terms of this chapter for the purpose of carrying out and enforcing the payment of the tax herein levied and the copy of such rules and regulations shall be on file and available for public examination in the office of the city clerk. Failure or refusal to comply with any rules and regulations promulgated pursuant to this chapter shall be deemed as a violation of this chapter.

(2) Any person charged with the collection of the tax shall make all his books and records available to the city clerk or his agent, at all reasonable times, and shall keep all invoices and records of sales and purchases of beer for a period of not less than two (2) years, unless duly authorized by the city clerk, in writing, to destroy them.

(3) All tax returns submitted pursuant to this chapter shall be sworn to before a notary public or before the city clerk, who is hereby given the authority to administer such oath.

(4) In the event any person required to file this return shall fail or refuse to do so, the city clerk may assess such tax on the basis of available information, but such an assessment shall not prejudice a later determination based on more exact information.

(5) In order to insure an orderly and efficient administration of this chapter, the city clerk shall have the authority to conduct hearings, subpoena witnesses and records, administer oaths, and to do all things which shall become necessary in connection therewith. (1952 Code, § 4-3(6)-(10))

5-406. Bond of licensee. Hereafter no license shall be issued or renewed for the sale of beer at retail until the applicant or licensee shall have filed with the city clerk a bond in the penal sum of five hundred dollars (\$500.00), payable to the city, and conditioned that the principal thereof will pay over and account for all taxes collected or due to be collected by the principal on the sale of beer at retail. Such bond shall be executed by the principal and some surety company authorized to do business in the State of Tennessee, or it may be signed by two good and sufficient sureties who are not in the beer business, and it shall be the duty of said clerk to see that said bond is kept in full force

and effect during the continuance in business of the principal named in said bond. (1952 Code, § 4-3(11))

TITLE 6**LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST¹****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance in making arrests.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Other work requires mayor's approval.
- 6-109. Police chief oath of office.

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. (Ord. #80-3, Feb. 1980)

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 trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (Ord. #80-3, Feb. 1980)

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. (Ord. #80-3, Feb. 1980)

¹Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

6-104. When policemen to make arrests¹. 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. (Ord. #80-3, Feb. 1980)

6-105. Policemen may require assistance in making arrests. 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. (Ord. #80-3, Feb. 1980)

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 and the alleged offender is not able to post the required bond, he shall be confined. (Ord. #80-3, Feb. 1980)

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. (Ord. #80-3, Feb. 1980)

6-108. Other work requires mayor's approval. The chief of police and all full-time personnel of the department shall devote all their time to the work of said department, and shall not engage in any other work without permission of the mayor. (1952 Code, § 2-3(2))

6-109. Police chief oath of office. The chief of police shall take the following oath from the mayor:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Tennessee and the charter of the city; and I do further swear that I will well and truly serve the corporation of Friendsville in the office of chief of police, to which I have been elected, and which I am about to assume; that I will cause the peace

of the said town to be kept to the best of my power; that I will arrest all persons that go in my sight armed offensively, or who commit any riot, affray, or other breach of the peace; that I will use my best endeavor, on complaint made, and if such persons flee or make resistance, that I will pursue and make hue and cry according to law; that I will faithfully and without delay execute and return all lawful process to me directed, and faithfully account for all moneys that come into my hands by virtue of my office." (1952 Code, § 2-3)

TITLE 7**FIRE PROTECTION AND FIREWORKS****CHAPTER****1. FIRE DEPARTMENT.****CHAPTER 1****FIRE DEPARTMENT****SECTION**

7-101. Fire chief.

7-102. Destruction of property to prevent the spread of fire.

7-103. Firemen to have same authority as policemen.

7-104. Causes of fire; investigation; inspection.

7-101. Fire chief. Fire protection shall be under the supervision of the fire chief who shall be responsible for the protection of life and property against fire, the prevention and extinguishment of fires and the removal of fire hazards. He shall be responsible for the care and maintenance of all property and equipment of his division. (1952 Code, § 2-4)

7-102. Destruction of property to prevent the spread of fire. During the progress of any fire the fire fighters shall have the power to remove or destroy any property necessary to prevent the further spread of fire. (1952 Code, § 2-5)

7-103. Firemen to have same authority as policemen. The firemen shall have the same power and authority as policemen of the city while going to, attending, and returning from a fire. (1952 Code, § 2-6)

7-104. Causes of fire; investigation; inspection. The fire chief shall inspect all buildings, except the interior of private dwelling houses, and all premises and public thoroughfares for the purpose of ascertaining and causing to be corrected any condition liable to cause fires. (1952 Code, § 2-7)

TITLE 8**ALCOHOLIC BEVERAGES****CHAPTER****1. BEER.****CHAPTER 1****BEER****SECTION**

- 8-101. Sales lawful.
- 8-102. Zoning restriction.
- 8-103. Beer board; quorum.
- 8-104. Permits; application.
- 8-105. False statements by applicants; revocation of permit.
- 8-106. Minors.
- 8-107. Dancing prohibited.
- 8-108. Hours of sale.
- 8-109. Public view of counters; etc., required.
- 8-110. Change of ownership, location, etc.
- 8-111. Permit holder to manage business.
- 8-112. Violations.

8-101. Sales lawful. It shall be lawful to transport, store, sell, distribute, possess, receive and/or manufacture beer of alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, but no brewer or wholesaler of any such beverage, or other agent or agents shall be permitted to make any loan or furnish any fixtures of any kind, or have any interest, direct or indirect, in the business of any retailer of such beverages, or in the premises occupied by such retailer. (1952 Code, § 6-3(1))

8-102. Zoning restriction. The sale of such beer and/or other beverages is hereby restricted to the following zone: (1952 Code, § 6-3(2))

8-103. Beer board; quorum. The city council shall constitute the city beer board, a majority of which shall constitute a quorum. (1952 Code, § 6-3(3))

8-104. Permits; application. (1) Before any person, firm, or corporation shall be authorized to sell, store, and/or manufacture such beer and/or beverages as prescribed herein by the city, he shall apply to the city beer board and shall establish:

(a) That the applicant is twenty-one (21) years old and is a citizen of the United States, or, if a company or corporation, that all the members are citizens of the United States,

(b) That no persons will be employed in the storage, sale, or manufacture of any such beverages except citizens of the United States,

(c) That no beverages will be sold except in the restrictive areas set out in § 8-102 of this chapter,

(d) That no wholesaler is interested in the business in any way,

(e) That no sale shall be made to minors and no minor shall be employed in the place of business,

(f) That neither the applicant nor any person employed by him in such distribution or sale shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude, within the past ten (10) years,

(g) That the applicant shall distinctly state whether the persons so applying for a permit will conduct the business in person, or whether he is acting as agent for any other persons, company, or corporation, and any person make false statement in said application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten (10) years;

(h) That drunks, loose women and lawless characters will not be allowed to congregate at his place of business and no beer will be sold to persons who are drunk, insane, habitual drunkards, or persons of known intemperate habits,

(i) That all the laws of the State of Tennessee and ordinances of the city regarding the sale, storage, and manufacture of such beverages will be strictly complied with,

(j) That dancing will not be permitted in his place of business, and

(k) That the hours set out in this chapter in which such beverages may be sold will be observed.

(2) The beer board, if it is the judgment of the majority of the members thereof that the applicant is qualified under the laws of the State of Tennessee and under the provisions of this chapter to engage in the business of selling, storing, and/or manufacturing the beverages described herein, may issue a permit to such applicant to engage in such business. (1952 Code, § 6-3(4) & (5))

8-105. False statements by applicants; revocation of permit. If any statement made by any applicant to the beer board in obtaining a permit is found to be false, the permit issued pursuant thereto may be revoked by the beer board upon notice and hearing, in which event the burden shall be upon the permittee to prove the correctness of all the statements in said application, and the permit of any person found guilty in the city court for the violation of any of

the provisions of this chapter may be revoked by said beer board. (1952 Code, § 6-3(9))

8-106. Minors. (1) No sales shall be made to minors.

(2) Minors shall not be permitted to work in establishments where beer is sold.

(3) It shall be unlawful for the management of any place where any beverage licensed under this chapter is sold to allow any minor to loiter about such place of business and the burden of ascertaining the age of minor customers shall be upon the owner or operator of such place of business. (1952 Code, § 6-3(6) & (8))

8-107. Dancing prohibited. It shall be unlawful to allow dancing in a place of business in which such beverages are sold. (1952 Code, § 6-3(7))

8-108. Hours of sale. The hours within which the sale of such beverages shall be permitted shall be from 6 A.M. to 10 P.M. on week days, and no such beverages shall be sold on Sundays. No such beverages shall be consumed, or opened for consumption, on or about any premises licensed by this ordinance, in either glass, bottle, or other container, after 10:15 P.M. (1952 Code, § 6-3(8))

8-109. Public view of counters, etc., required. It shall be unlawful to maintain and operate a beer parlor or a place of business where beer is sold where the public view of the counters and booths in such establishment is hidden, cut off, or obstructed. (1952 Code, § 6-3(8))

8-110. Change of ownership, location, etc. Should the permit holder transfer the ownership of business at the location for which such permit is granted, or should he or she cease to do business for a period of fifteen (15) days, then upon such occurrence such permit shall be immediately terminated and become void from and after such transfer, change of location, or cessation of business. (1952 Code, § 6-3(10))

8-111. Permit holder to manage business. Unless the permit holder engages in the active management of such place of business for which such permit is granted and upon his or her failure to do so, such permit shall immediately terminate and become void from and after such termination. (1952 Code, § 6-3(11))

8-112. Violations. The violation of any of the sections of this chapter shall constitute grounds for the revocation of such permit. (1952 Code, § 6-3(12))

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, ETC.
2. CHARITABLE SOLICITORS.
3. TAXICABS.
4. POOL ROOMS.
5. PINBALL MACHINES.
6. CABLE TELEVISION.

CHAPTER 1

PEDDLERS, ETC.²

SECTION

- 9-101. Permit required.
- 9-102. Exemptions.
- 9-103. Application for permit.
- 9-104. Issuance or refusal of permit.
- 9-105. Appeal.
- 9-106. Bond.
- 9-107. Loud noises and speaking devices.
- 9-108. Use of streets.
- 9-109. Exhibition of permit.
- 9-110. Policemen to enforce.
- 9-111. Revocation or suspension of permit.
- 9-112. Reapplication.
- 9-113. Expiration and renewal of permit.
- 9-114. Penalty.

9-101. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this

¹Municipal code references

Beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

²Municipal code references

Privilege taxes: title 5.

chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (Ord. #80-5, Feb. 1980)

9-102. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (Ord. #80-5, Feb. 1980)

9-103. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) A recent clear photograph approximately two (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 evaluate properly 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. (Ord. #80-5, Feb. 1980)

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

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city

recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-106. The city recorder shall keep a permanent record of all permits issued. (Ord. #80-5, Feb. 1980)

9-105. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the 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. (Ord. #80-5, Feb. 1980)

9-106. 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. (Ord. #80-5, Feb. 1980)

9-107. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the 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. (Ord. #80-5, Feb. 1980)

9-108. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where 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. (Ord. #80-5, Feb. 1980)

9-109. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (Ord. #80-5, Feb. 1980)

9-110. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (Ord. #80-5, Feb. 1980)

9-111. 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. (Ord. #80-5, Feb. 1980)

9-112. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (Ord. #80-5, Feb. 1980)

9-113. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee

applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (Ord. #80-5, Feb. 1980)

9-114. Penalty. The violation of any section or provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-5, Feb. 1980)

CHAPTER 2

CHARITABLE SOLICITORS

SECTION

- 9-201. Permit required.
- 9-202. Prerequisites for a permit.
- 9-203. Denial of a permit.
- 9-204. Exhibition of permit.
- 9-205. Penalty.

9-201. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (Ord. #80-5, Feb. 1980)

9-202. 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. (Ord. #80-5, Feb. 1980)

9-203. 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. (Ord. #80-5, Feb. 1980)

9-204. 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. (Ord. #80-5, Feb. 1980)

9-205. Penalty. The violation of any section or provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-5, Feb. 1980)

CHAPTER 3

TAXICABS

SECTION

- 9-301. License required.
- 9-302. Definition.
- 9-303. Requirements of licenses.
- 9-304. Annual tax.
- 9-305. State license.
- 9-306. Taxicab numbers.
- 9-307. Prohibited conduct of drivers.
- 9-308. Driver's license.
- 9-309. Insurance.
- 9-310. Traffic regulations.
- 9-311. Use of taxicabs in crimes prohibited.
- 9-312. Duty to accept passengers.
- 9-313. Rates.
- 9-314. Cab stands.
- 9-315. Annual license fee.
- 9-316. Certificate from chief of police required.
- 9-317. Revocation of license.
- 9-318. Vehicle commission.
- 9-319. Vehicle commission certification.
- 9-320. Failure to operate taxicabs.

9-301. License required. It shall be unlawful to engage in the business of operating a taxicab within the municipality without first having secured a license therefor. Application for such licenses shall be made in writing to the city clerk, and shall state thereon the name of the applicant, the intended place of business, and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president, the secretary, and the stockholders thereof shall be given. (1952 Code, § 6-4(1))

9-302. Definition. The term "taxicab" as used in this chapter means any and all vehicles carrying passengers for hire, except motor buses or motor coaches operated by bus lines over designated routes in and to said city. (1952 Code, § 6-4(2))

9-303. Requirements of licenses. No such license shall be issued to or held by any person who is not a person of good character, or to one who has been convicted of a felony; nor shall such license be issued to or held by any corporation where any officer or stockholder thereof would be ineligible for a license under the foregoing condition. (1952 Code, § 6-4(3))

9-304. Annual tax. The annual tax for each license shall be fifteen dollars (\$15.00) plus one dollar (\$1.00) fee for each taxicab operated, payable in advance. Whenever the number of cabs so operated shall be increased during the license year, the licensee shall notify the city clerk of such change and shall pay the additional tax. The clerk shall issue suitable receipts for the number of cabs covered by each license. Such receipts shall be displayed in a prominent place on each taxicab while it is in use; it may be transferred to any taxicab put into service to replace one withdrawn from service. The licensee shall notify the clerk of the motor number and the state license number of each taxicab and of the corresponding municipal receipt number. (1952 Code, § 6-4(4))

9-305. State license. No taxicab shall be operated unless it bears a state license duly issued, and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wiper in good condition. It shall be the duty of the chief of police to inspect or have inspected every taxicab as often as may be necessary to assure the enforcement of this section. (1952 Code, § 6-4(5))

9-306. Taxicab numbers. Every taxicab, while being operated, shall have on each side, in letters readable from a distance of twenty (20) feet, the name of the licensee operating it. If more than one taxicab is operated by the licensee, each cab shall be designated by a different number, and such number shall also appear on the side of each cab. (1952 Code, § 6-4(6))

9-307. Prohibited conduct of drivers. It shall be unlawful for any driver of any taxicab, while on duty, to drink any intoxicating liquor, to use any profane or obscene language, to shout or yell to prospective passengers, or to disturb the peace in any way. (1952 Code, § 6-4(7))

9-308. Driver's license. No person shall drive a taxicab, or be hired or permitted to do so, unless he is duly licensed to do so as a chauffeur by the State of Tennessee. (1952 Code, § 6-4(8))

9-309. Insurance. No taxicab shall be operated unless it is covered by a bond or public liability insurance policy in the minimum amount of ten thousand dollars (\$10,000.00) per person, twenty thousand dollars (\$20,000.00) per accident, and five thousand dollars (\$5,000.00) for property damage, for each accident. A memorandum copy of each such bond or insurance policy shall be kept on file with the city clerk. (1952 Code, § 6-4(9))

9-310. Traffic regulations. It shall be the duty of every driver of a taxicab to obey all traffic rules established by statute or ordinance. (1952 Code, § 6-4(10))

9-311. Use of taxicabs in crimes prohibited. It shall be unlawful to knowingly permit any taxicab to be used in perpetration of a crime or misdemeanor. (1952 Code, § 6-4(11))

9-312. Duty to accept passengers. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to use the taxicab, provided, such person is not intoxicated and conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger, and the driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab. (1952 Code, § 6-4(12))

9-313. Rates. A flat rate of ____ shall be the charge for any trip within the city; provided, that if any additional passenger is carried on a trip, there may be an additional charge of ____ for each such additional passenger. The hourly rate shall not be more than \$____ per hour. No extra charge shall be made for baggage or parcels, the size of which permits them to be carried within the cab. The maximum number of passengers that may be carried at any one time shall be _____. (1952 Code, § 6-4(13))

9-314. Cab stands. All cab stands shall be designated by the mayor and chief of police, and each cab stand shall be appropriately marked by signs erected under the supervision of the chief of police. It shall be unlawful to park any vehicle other than a licensed taxicab in any cab stand. A licensed taxicab may be parked in any cab stand while such taxicab is in care of the driver awaiting a fare. Such taxicab shall not be parked at any other place in the city limits for the purpose of soliciting business, other than at cab stands so designated. (1952 Code, § 6-4(14))

9-315. Annual license fee. No person shall drive a taxicab unless he shall have secured a license from the city clerk. The annual fee for a taxicab driver's license shall be one dollar (\$1.00). (1952 Code, § 6-4(15))

9-316. Certificate from chief of police required. No such license shall be issued to any person who is not competent to operate a motor vehicle, or who is not familiar with the traffic laws and ordinances, or who does not have a valid chauffeur's license issued by the State of Tennessee. The chief of police shall examine each applicant for a taxicab driver's license and determine the competency of the applicant. No such license shall be issued excepting on certificate of the chief of police that the applicant has demonstrated to him his ability to operate a taxicab. (1952 Code, § 6-4(16))

9-317. Revocation of license. The mayor and city clerk may revoke any taxicab driver's license for repeated violations of traffic laws or any ordinance regulating the conduct of such drivers. (1952 Code, § 6-4(18))

9-318. Vehicle commission. There is hereby established a vehicle commission consisting of the mayor and council. The public vehicle commission shall meet on the call of the mayor, at such times as may be necessary to transact business. (1952 Code, § 6-4(19))

9-319. Vehicle commission certification. No license to operate a taxicab shall be issued until the public vehicle commission shall certify that the public need for taxicab service requires the additional service to be rendered by the applicant. In deciding this question, the commission shall consider the need of the public for taxicab service, the number of cabs in operation, and the anticipated future demands, provided, that no such certificate shall be required for the renewal of any operator's license. (1952 Code, § 6-4(20))

9-320. Failure to operate taxicabs. If any licensee, on whose behalf such a certificate has been issued, shall fail to operate all or any of the taxicabs covered by such certificate for a period of six (6) days, the certificate may be revoked or modified by the commission so as to cover and authorize only the number of cabs actually operated. (1952 Code, § 6-4(21))

CHAPTER 4

POOL ROOMS¹

SECTION

- 9-401. Prohibited in residential areas.
- 9-402. Hours of operation regulated.
- 9-403. Minors to be kept out; exception.
- 9-404. Gambling etc., not to be allowed.
- 9-405. Penalty clause.

9-401. 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. (Ord. #2-78, May 1978)

9-402. 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. (Ord. #2-78, May 1978)

9-403. 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. (Ord. #2-78, May 1978)

9-404. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. (Ord. #2-78, May 1978)

¹Municipal code reference
Privilege taxes: title 5.

9-405. Penalty clause. The violation of any provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #2-78, May 1978)

CHAPTER 5

PINBALL MACHINES

SECTION

9-501. Unlawful to permit minors to play machines.

9-502. Hours of operation.

9-503. Penalty clause.

9-501. Unlawful to permit minors to play machines. It shall be unlawful for any person having custody or charge of any pinball machine to permit any minor under the age of eighteen to play, operate, or use any such machine or to loiter about the same.

For the purpose of enforcing the provisions of this chapter, the burden of proof shall be upon any person having control or custody of such machine to establish the age of persons using said machines. (Ord. #3-78, May 1978)

9-502. Hours of operation. It shall be unlawful for any person to operate a pin ball machine at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (Ord. #3-78, May 1978)

9-503. Penalty clause. The violation of any provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #3-78, May 1978)

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the City of Friendsville and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Friendsville and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹Complete details relating to the cable television franchise agreement are available in the office of the city recorder.

TITLE 10**ANIMAL CONTROL****CHAPTER****1. IN GENERAL.****CHAPTER 1****IN GENERAL****SECTION**

10-101. Animals and fowls running at large.

10-102. Keeping of hogs.

10-103. Fowls making loud noises.

10-104. Animals making loud noises.

10-105. Regulation of dogs.

10-106. Vicious dogs.

10-101. Animals and fowls running at large. It shall be unlawful for any person or persons, owning or having in control and custody, horses, mules, donkeys, sheep, goats, or other livestock, to permit same to run at large in the corporate limits of the city. Any damages done by said livestock running at large in the city shall be and is constituted a lien upon said livestock, and may be enforced as any other lien by writ of attachment. Any person or persons upon whose land such livestock shall be found running at large, shall have the right to take up and confine same, giving them reasonably good feed and attention, and shall be entitled to a reasonable compensation for the same. A lien upon said livestock for this care is given, which lien may be enforced by writ of attachment. The mayor is given authority to appoint a stock patrolman to put up any livestock found running at large in the city; unclaimed livestock may be advertised and sold when so authorized by the mayor. (1952 Code, § 11-1)

10-102. Keeping of hogs. No swine shall be permitted in the city; except that, the Friendsville Board of Zoning Appeals (BZA) may allow the keeping or raising of swine as a special exception use within any zoning district which permits general farming, provided the following conditions can be met. These conditions are to be considered minimum standards and the BZA may impose additional or higher standards based upon circumstances which may be peculiar to any one site.

(1) No hog(s) shall be placed upon any parcel of property that is less than five (5) acres in size.

(2) Up to three (3) hogs may be permitted on any one five (5) acre parcel and one (1) additional hog may be permitted for each acre over five (5)

acres contained in any one parcel; provided the provisions of (3)--(5) below are observed.

(3) No free-ranging swine nor any barn, pen, feed lot, or watering pond or trough, shall be located any closer than five hundred (500) feet from any property line and/or free-flowing stream. The area within which swine are confined shall be surrounded by a structure and/or fencing that will prevent the escape of swine onto adjoining properties or public right-of-way.

(4) The manner in which swine are kept, in addition to the conditions set out in sections (1), (2), and (3) above, shall be in accordance with generally accepted swine farming practices. The BZA may consult with the Blount County Agricultural Extension Agent, Blount County Health Department, or other recognized experts in order to determine if proper practices are being proposed.

(5) No swine farming operation shall be conducted in such a manner as to become a nuisance or threat to the public health or safety. (Ord. #89-14, April 1990)

10-103. Fowls making loud noises. It shall be unlawful for any person to own, harbor, keep, or possess any chickens, ducks, geese, fowls, or other birds which by loud and frequent quacking, crowing, or cackling, or by any other noise, disturb the peace, or cause annoyance to any of the citizens of the city. (1952 Code, § 11-3)

10-104. Animals making loud noises. It shall be unlawful for any person to own, keep, harbor, or possess any animals which, by loud and frequent howling, barking, yelping, growling, bleating, braying, or bawling, or by any other noise, cause annoyance to any of the citizens of the city. (1952 Code, § 11-4)

10-105. Regulation of dogs. (1) It shall be unlawful for any person to allow a dog belonging to him or under his control, or that may habitually be found on the premises occupied by him to go upon the premises of another within the city, or upon the streets of the city. This shall not apply to dogs driving stock upon streets or to dogs being taken out for a hunt or chase, or returning from a hunt or chase, or to dogs being moved from one premises to another, if, in all such cases, dogs are accompanied by their owners or persons in charge and kept strictly under their control.

(2) If any dogs are found roaming through the city unaccompanied by their owners, and upon inquiry their owners cannot be found and dealt with, then said dogs shall be confined for a period of ten (10) days. If within that time the owner has not claimed and redeemed same by paying fine and cost, then said dog shall be considered worthless and same shall be disposed of by sale. (1952 Code, § 11-5)

10-106. Vicious dogs. (1) It shall be unlawful for any person to own or in any way maintain a vicious dog within the City of Friendsville unless certain safety procedures are taken and approved by the animal control officer or the chief of police. The owner or keeper of vicious dogs shall keep them chained and muzzled or in a secure enclosure at all times. In addition, all vicious dogs shall be registered at city hall and the name, address of the owner, proof of current vaccination of the dog and homeowner insurance shall be provided by the owner of such dogs.

(2) Any owner or keeper of a vicious dog who fails to comply with the requirements of section (1) shall be fined fifty dollars (\$50.00) per day for each and every day the vicious dog remains within the city limits of the City of Friendsville in violation of this section.

(3) If a dog attacks a person by biting or in any manner causing injury or habitually or repeatedly attacks livestock or other domestic animals without provocation, it shall be prima facie evidence that the dog is vicious. After a notification by the police chief or animal control officer that the dog is vicious, the owner or keeper of such dog shall register the animal at city hall and shall keep the dog chained and muzzled, or in a secure enclosure at all times.

(4) Any person who receives a notice from the police chief or animal control officer that they are keeping a vicious dog shall have the right to appeal within ten (10) days the decision to the city judge by submitting a written protest of such notification at the city hall. The city judge shall upon receiving such appeal conduct a hearing within ten (10) days to determine if the animal is vicious. If the animal is judged not to be vicious, it may be returned to the owners. If the animal is judged to be vicious the owner or keeper shall comply with the registration and confinement requirements of section (1) or shall be fined accordingly. (Ord. #96-11, Sept. 1996)

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

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. FORTUNE TELLING, ETC.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.
9. OBSCENITY, MORALS.
10. LOITERING, ETC.
11. GAMBLING.

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

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against this municipality also. Any violation of any such law within the corporate limits is also a violation of this section. (Ord. #80-4, Feb. 1980)

¹Municipal code references

Animals and fowls: title 10.

Traffic offenses: title 15.

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

CHAPTER 2

ALCOHOL¹

SECTION

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

11-202. Minors in beer places.

11-201. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (Ord. #80-4, Feb. 1980)

11-202. Minors in beer places. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (Ord. #80-4, Feb. 1980)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

CHAPTER 3

FORTUNE TELLING, ETC.

SECTION

11-301. Fortune telling, etc.

11-301. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (Ord. #80-4, Feb. 1980)

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. (Ord. #80-4, Feb. 1980)

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 vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the

quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

(e) Use of vehicle. The use of any automobile, motorcycle, 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 city authorities.

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

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

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (Ord. #80-4, Feb. 1980)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Impersonating a government officer or employee.

11-502. False emergency alarms.

11-503. Coercing people not to work.

11-504. Escape from custody or confinement.

11-505. Resisting or interfering with city personnel.

11-501. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (Ord. #80-4, Feb. 1980)

11-502. 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. (Ord. #80-4, Feb. 1980)

11-503. 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. (Ord. #80-4, Feb. 1980)

11-504. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (Ord. #80-4, Feb. 1980)

11-505. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (Ord. #80-4, Feb. 1980)

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 city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (Ord. #80-4, Feb. 1980)

11-602. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (Ord. #80-4, Feb. 1980)

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. (Ord. #80-4, Feb. 1980)

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. (Ord. #80-4, Feb. 1980)

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. (Ord. #80-4, Feb. 1980)

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. (Ord. #80-4, Feb. 1980)

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. (Ord. #80-4, Feb. 1980)

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.
- 11-806. Assault and battery.
- 11-807. Penalty.

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. (Ord. #80-4, Feb. 1980)

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. (Ord. #80-4, Feb. 1980)

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. (Ord. #80-4, Feb. 1980)

11-804. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 10:00 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. (Ord. #80-4, Feb. 1980, as amended by Ord. #90-2, Dec. 1990)

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. (Ord. #80-4, Feb. 1980)

11-806. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (Ord. #80-4, Feb. 1980)

11-807. Penalty. The violation of any section or provision of this title shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-4, Feb. 1980)

CHAPTER 9

OBSCENITY, MORALS

SECTION

- 11-901. Disorderly houses.
- 11-902. Immoral conduct.
- 11-903. Obscene literature, etc.
- 11-904. Indecent or improper exposure or dress.
- 11-905. Window peeping.
- 11-906. Profanity, etc.

11-901. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarreling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house for the purpose of engaging in such activities. (Ord. #80-4, Feb. 1980)

11-902. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in anyplace or building for any such purpose. (Ord. #80-4, Feb. 1980)

11-903. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (Ord. #80-4, Feb. 1980)

11-904. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (Ord. #80-4, Feb. 1980)

11-905. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall

he loiter around or within view of any such window with the intent of watching or looking through it. (Ord. #80-4, Feb. 1980)

11-906. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general. (Ord. #80-4, Feb. 1980)

CHAPTER 10**LOITERING, ETC.****SECTION**

11-1001. Loitering.

11-1002. Prowling.

11-1003. Vagrancy.

11-1001. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (Ord. #80-4, Feb. 1980)

11-1002. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at night between the hours of midnight and 6:00 A.M. without any visible or lawful business and when unable to give a satisfactory account of himself. (Ord. #80-4, Feb. 1980)

11-1003. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, to wilfully neglect to apply himself to some honest occupation. (Ord. #80-4, Feb. 1980)

CHAPTER 11**GAMBLING****SECTION**

11-1101. Gambling.

11-1102. Promotion of gambling.

11-1101. Gambling. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (Ord. #80-4, Feb. 1980)

11-1102. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (Ord. #80-4, Feb. 1980)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING PERMITS.

CHAPTER 1

BUILDING PERMITS

SECTION

12.101. Building permit fees.

12-101. Building permit fees. (1) Building permit application fee. All applicants shall submit a non-refundable application processing fee of \$25.00 at the time application is made for a building permit to construct, move, or demolish any building or structure.

(2) Building inspection fees.

<u>Total Valuation</u>	<u>Fee</u>
\$0 - \$2,000	\$10.00 per thousand or fraction thereof
\$2,001.00 - \$15,000.00	\$15.00 for the first \$2,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$15,000.00.
\$15,001.00 - \$50,000.00	\$60.00 for the first \$15,000.00 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,001.00 - \$100,000.00	\$150.00 for the first \$50,000.00 plus \$2.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 - \$500,000.00	\$250.00 for the first \$100,000.00 plus \$1.25 for each additional thousand or fraction, to and including \$500,000.00

Total ValuationFee

\$500,001.00 and up

\$750.00 for the first \$500,000.00
plus. \$.75 for each additional
thousand or fraction thereof.

(3) Moving of buildings or structures. For the moving of any building or structure, the fee shall be \$50.00.

(4) Demolition of buildings or structures. For the demolition of any building or structure, the fee shall be \$25.00.

(5) Plan checking fees. When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by section 105.3, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in section 107.4.

(6) Penalty for failure to obtain permit. Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. (Ord. #93-02, June 1993)

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER**

1. MISCELLANEOUS.
2. NUISANCES.
3. ABANDONED AND JUNK VEHICLES.

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

- 13-101. Trash and weeds.
13-102. Unsafe buildings.
13-103. Stagnant water.

13-101. Trash and weeds. (1) It shall be unlawful for any person to empty, dump, or place any wood, lumber, metal, sawdust, ashes, rags, tin cans, human excreta, junk, trash, debris, or any other material matter of any kind whatsoever on the property of another or on any public property within the city without first obtaining permission so to do.

(2) It shall be unlawful for any person to permit or suffer weeds and other noxious vegetation to grow or to permit or suffer trash, rubbish, and refuse to accumulate on his property.

(3) Upon such conditions existing, as above enumerated, the city clerk or his authorized representative shall notify the owner of the property that the conditions must be remedied within ten (10) days. Such notice shall be given in person or by registered mail addressed to the last known address of the owner.

(4) If the owner fails to remedy such condition within the prescribed time, any member of the police department may certify same to the city clerk. The city clerk shall thereupon remedy the condition so certified, or cause the same to be done. On the completion of such work, the city clerk shall determine the reasonable cost and bill the owner or the tenant for the amount of such charge. Upon failure of the owner or tenant to remit the amount of such charge within thirty (30) days from the date of such notice, the amount of the bill shall constitute a lien upon the property for which the expenditure was made, which lien may be enforced by suit as other tax liens of the city. (1952 Code, § 10-3)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

13-102. Unsafe buildings. (1) If the fire chief or fire inspector shall find in the city any building or structure, or part thereof, in such an unsafe condition as to endanger life, or to create a fire hazard, so that by immediate application of precautionary measures, such danger may be averted, he shall have authority, and it shall be his duty, to notify the owner, agent, or person in possession, charge, or control of such building or structure, or part thereof, to adopt and put into effect such precautionary measures as he may direct, to place such building or structure, or part thereof, in a safe condition. If the owner, agent, or person in possession, charge, or control, within the time limit specified in such notice, fails to comply, it shall be the duty of the inspector to report such condition to the mayor. The mayor shall proceed to do or cause to be done any and all work necessary to place such building or structure, or part thereof, in a safe condition. If the mayor shall be unable to find the owner of such building, structure, or part thereof, or agent or person in possession, charge, or control, he shall place or cause to be placed a notice on such building, near its principal entrance, or at some other conspicuous place on or near said building. If, at the expiration of time specified in such notice for completion of work required to be done, the terms of such notice shall not have been complied with, it shall be the duty of the mayor to proceed to do or cause to be done any and all work necessary to remedy the situation. Should the mayor or his representatives determine that there is a life or fire hazard and that conditions do not warrant the expenditure of sufficient sums of money to make such repairs, or to do the work necessary to put it in a safe condition, the mayor shall have authority to tear down or destroy such building, structure, or part thereof. The expense of tearing down and destroying such building, structure, or part thereof, and the expense of making repairs, or doing any work thereon, shall be charged to the person owning, or in possession, charge, or control of such building, structure, or part thereof. The mayor shall recover, or cause to be recovered, from such owner, or person in possession, charge, or control, the cost to the city of doing such work by appropriate proceedings; this cost shall become and remain a lien upon the property in question. If there is actual and immediate danger of the falling of any building, or part thereof, the mayor may cause the necessary work to be done to render said building, or part thereof, temporarily safe until the proper proceedings can be taken as prescribed in this section. In such cases the chief of the fire department or fire inspector is authorized and empowered under the direction of the mayor to order and require the occupants of such building, or part thereof, to vacate the same.

(2) The city shall ask the state to concur with it in joint action wherever such action is deemed necessary. (1952 Code, § 10-3)

13-103. Standing water. The presence of water on the surface of the ground from sinks or other places where an abundance of water is used, or seepage from cesspools, is hereby declared a nuisance against public health and any and all persons that fail or refuse to remedy any such nuisance within ten

(10) days after having been notified of its existence shall be guilty of an unlawful act. (1952 Code, § 10-3(9))

CHAPTER 2

NUISANCES

SECTION

13-201. Abatement of nuisances.

13-202. Application of chapter.

13-203. Violations.

13-201. Abatement of nuisances. Whenever the council, by any means, has knowledge or receives notice of the existence of any insanitary, unhealthy, unsafe, dangerous, hazardous, obnoxious, or offensive condition, structure, or situation in connection with or in relation to any building, structure, fixture, land, lot, property, or other thing whatsoever, owned, operated, controlled, or managed by any person in the city or within its police jurisdiction, the council, by proper resolution, may declare that the existence or continuance of such condition, structure, or situation adversely affects the public health, safety, welfare, or happiness, and, therefore, constitutes a nuisance, and shall give notice thereof to all such persons interested in such resolution. The council may, by the same or different resolutions, direct the persons, whether one or more, owning, operating, controlling, or managing the building, structure, fixture, land, lot, property, or other thing in connection with or in relation to which such nuisance exists or is maintained, within such reasonable time as may be prescribed in such resolution, to remedy the unhealthy, insanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition, structure, or situation as to fully abate the nuisance. The "reasonable time" mentioned in this section shall be of such duration as will afford the person against whom it is directed a reasonable opportunity to be heard with reference to the same, with due regard being given to the degree of emergency existing. The decision of the council on such hearing shall not be reviewable, except where arbitrary and capricious. (1952 Code, § 9-1(1))

13-202. Application of chapter. Without limitation of generality of § 13-101, this section is specifically intended to apply:

(1) To any unhealthy, insanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation existing in or in connection with any building, structure, fixture, lot, land, property, or other thing, in, above, over, under, or near any public street, sidewalk or other public place;

(2) To any awning or marquee similar to those usually or customarily placed above the pavement in front of business and public buildings;

(3) To any situation or condition arising in connection with any manufacturing business or establishment;

(4) Toilets uncleaned for more than three (3) weeks, dead animals left unburned or unburied for more than twenty-four (24) hours, tin cans without

holes in both ends, and all other discarded containers or vessels that may hold water.

The specification in this section of certain unhealthy, insanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive conditions or situations shall not be held or construed to exclude others within the meaning of the general terms of § 13-101 of this chapter nor to limit the full application of the general terms of § 13-101. (1952 Code, § 9-1(2))

13-203. Violations. (1) It shall be unlawful for any person to fail to comply with any resolution adopted under authority of this chapter.

(2) Upon the failure of any person to comply with any resolution adopted under authority of this chapter, the city council may direct the abatement of such nuisance at the expense of such person without further notice, sums so expended to be recovered by suit if necessary. (1952 Code, § 9-1(3))

CHAPTER 3

ABANDONED AND JUNK VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Abandoned motor vehicles declared a public nuisance.
- 13-303. Removal of abandoned motor vehicles required.
- 13-304. Notification and authority.
- 13-305. Citation to municipal court.
- 13-306. Violations.
- 13-307. Disposal of abandoned motor vehicles.
- 13-308. Lien on property.

13-301. Definitions. (1) The following definitions shall apply in the interpretation and enforcement of this chapter:

- (a) "Person" - Any person, firm, organization, partnership, association, corporation or company of any kind.
- (b) "Vehicle" - Any machine propelled by other than human power or animal power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck/trailer, motorcycle, tractor, mobile home or motor home.
- (c) "Property" - Any real property within the City of Friendsville which is not a street or highway.
- (d) "Shall" - The word "shall" is always mandatory and not merely directory.
- (e) "Antique" - Any vehicle over 25 years old.
- (f) "Enforcement Officer of the City of Friendsville" - The duty sheriff assigned to the City of Friendsville pursuant to the contract between the City of Friendsville and Blount County.

(2) **Exceptions:**

- (a) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways and regularly used in such racing.
- (b) Any antique retained and maintained by the owner for collection purposes rather than for salvage or for transportation. Such vehicles shall be maintained in operable condition and at the discretion of the authority having jurisdiction be required to comply with subsection (c) below.
- (c) Any junk vehicle kept within a building where it will not be visible from the street.

(d) Any junked motor vehicle on the property of a business enterprise operated in strict compliance with all local zoning ordinances and when necessary to the operation of such business enterprise.

(e) Any junked motor vehicle in an appropriate storage place or depository maintained at a location officially designed and in a manner approved by the City of Friendsville. (as added by Ord. #2003-03, June 2003)

13-302. Abandoned motor vehicles declared a public nuisance. In enacting this chapter, the Board of Commissioners of the City of Friendsville finds and declares that the accumulation, storage, possession or presence of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on public or private property in the City of Friendsville are in the nature of rubbish and unsightly debris, violates, in many instances, the zoning regulations of the city and constitutes a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of public and private property and create fire hazards and other safety and health hazards to the citizens of the City of Friendsville. (as added by Ord. #2003-03, June 2003)

13-303. Removal of abandoned motor vehicles required. The accumulation, storage, possession or presence of one or more such motor vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety and general welfare of the inhabitants of the City of Friendsville, and it shall be the duty of the registered owner of such vehicle, and it shall also be the duty of the person in charge or control of the property upon which such motor vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage or to have the vehicle housed within a building where it will not be visible from any street. (as added by Ord. #2003-03, June 2003)

13-304. Notification and authority. Whenever any such public nuisance exists on occupied or unoccupied commercial or residential, private or public premises, within the City of Friendsville, the owner or owners of said property shall be notified by the Enforcement Officer of the City of Friendsville or his authorized agent to abate or remove the same. Such notice shall:

- (1) Be in writing.
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required; and
- (4) Provide for compliance within ten (10) days from the date of notification.

The notification shall be served upon the owner or owners of said premises 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 Blount

County. If the owner or owners of the premises fail or refuse to comply with the notice of the Enforcement Officer of the City of Friendsville or his authorized agent within a ten (10) day period after notification thereof, 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. (as added by Ord. #2003-03, June 2003)

13-305. Citation to municipal court. If the owner or owners of the property fail or refuse to comply with the notice of the Enforcement Officer of the City of Friendsville or his duly authorized agent, within a ten (10) day period after notification thereof, as provided herein, the enforcement officer or his duly authorized agent may issue a citation to the owner or owners of the property citing said owner or owners to municipal court for violating the provisions of this chapter.

Each day after the ten (10) day notification period as provided for herein that the owner or owners of the property fail or refuse to comply with the order of the Enforcement Officer of the City of Friendsville, shall be considered a separate offense under this chapter and subject to a separate citation for each violation. (as added by Ord. #2003-03, June 2003)

13-306. Violations. Any person violating or interfering with the enforcement of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this municipal code. (as added by Ord. #2003-03, June 2003)

13-307. Disposal of abandoned motor vehicles. Ten (10) days after conviction under this chapter, the Enforcement Officer of the City of Friendsville or his duly authorized agent may enter upon said property, take possession of such junk vehicle or vehicles, remove the same from said property, dispose of the same in whatever manner the Enforcement Officer of the City of Friendsville or his duly authorized agent deems appropriate and cause such unlawful condition to be remedied. Upon completion of such removal and disposal, all costs incident to said removal and disposal shall be paid to the City of Friendsville by the owner or owners of said property and said costs shall be billed to the owner or owners of said property. If the bill for said removal and disposal is not paid within thirty (30) days after the mailing of said bill, a ten percent (10%) penalty shall be added. (as added by Ord. #2003-03, June 2003)

13-308. Lien on property. All court costs, fines, penalties and costs of removal disposal shall constitute a lien on the property of the owner or owners and the city recorder is authorized to execute a Notice of Lien and record the same in the Register's Office for Blount County, Tennessee. Upon recordation of said lien, the City of Friendsville is authorized to sell the property of the owner or owners to satisfy the amount of the lien. In the event litigation is

required to foreclose the lien of the City of Friendsville, the owner or owners shall be responsible for all reasonable attorney fees incurred by the City of Friendsville and said attorney fees shall be paid from the proceeds of the sale of the property of the owner or owners. (as added by Ord. #2003-03, June 2003)

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER****1. MUNICIPAL PLANNING COMMISSION.****CHAPTER 1****MUNICIPAL PLANNING COMMISSION****SECTION**

14-101. Creation and membership.

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 seven (7) members; two (2) of these shall be the mayor and another member of the governing body; the other five (5) 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 five (5) members appointed by the mayor shall be for three (3) years each. The terms of the mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #80-08, Dec. 1980, as amended by Ord. #__, April 1981)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (Ord. #80-8, Dec. 1980)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (Ord. #80-8, Dec. 1980)

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING¹****CHAPTER**

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

CHAPTER 1**MISCELLANEOUS²****SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.

¹Municipal code reference

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

²State law references

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

- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Vehicle weight restrictions.

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (Ord. #80-6, Feb. 1980)

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, published by the U.S. Department of Transportation, Federal Highway administration and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as mandatory but is merely directive. (Ord. #80-6, Feb. 1980)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign,

¹Municipal code references

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

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. (Ord. #80-6, Feb. 1980)

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 authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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 ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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." (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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, motorbike, 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 knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (Ord. #80-6, Feb. 1980)

15-123. Vehicle weight restrictions. (1) Generally. (a) It shall be unlawful for any vehicle to operate over the streets of the City of

Friendsville where the gross weight of the vehicle is in excess of ten (10) tons.

(b) It shall be prima facie evidence that any vehicle weighing in excess of ten (10) tons operating on or over the streets of the City of Friendsville is operating on the business of its registered owner.

(c) Conviction for violation of this section shall be punishable by a fine of fifty dollars (\$50.00) for each conviction.

(2) Exceptions. Vehicles in excess of ten (10) tons gross weight may operate on or over the streets of the City of Friendsville provided that the owners of said vehicles enter into a written agreement with the City of Friendsville for the use of the city streets by said vehicles. This agreement shall include, but not be limited to the following provisions:

(a) That the city shall designate the route to be taken by said vehicles through the city limits of Friendsville.

(b) That all temporary damage to the streets shall be repaired at the expense of the user within two days of said damage.

(c) That all permanent damage to the streets shall be repaired within ten days after said vehicles have completed the work requiring them to use the streets of the City of Friendsville.

(d) That temporary damage shall be regarded as all damage resulting from user's use of city streets and further use of city streets is contemplated within a period of thirty (30) days.

(e) That permanent damage shall be regarded as all damage resulting from user's use of city streets and further use of city streets is not contemplated for a period of more than thirty (30) days. (Ord. #13-1, May 1974)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (Ord. #80-6, Feb. 1980)

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

(2) The driver of an authorized emergency vehicle may 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 consequences of his reckless disregard for the safety of others. (Ord. #80-6, Feb. 1980)

¹Municipal code reference

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

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the governing body has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

15-405. U-turns. U-turns are prohibited. (Ord. #80-6, Feb. 1980)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. 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, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

¹Municipal 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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (Ord. #80-6, Feb. 1980)

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 city it shall require obedience by vehicular traffic as follows:

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (Ord. #80-6, Feb. 1980)

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 city, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.

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

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (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. (Ord. #80-6, Feb. 1980)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (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 city. (Ord. #80-6, Feb. 1980)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (Ord. #80-6, Feb. 1980)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the city, 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 city. The presumption shall be that all installed parking meters were lawfully installed by the city. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (Ord. #80-6, Feb. 1980)

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. (Ord. #80-6, Feb. 1980)

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.

If the offense is a parking meter parking 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)

¹State law reference

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

days but before a warrant for his arrest is issued his fine shall be three dollars (\$3.00). 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. (Ord. #80-6, Feb. 1980)

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 illegally parked, abandoned, or otherwise 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. (Ord. #80-6, Feb. 1980)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (Ord. #80-6, Feb. 1980)

15-706. Violation and penalty. Any violation of this title shall be a civil offense punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense. (Ord. #80-6, Feb. 1980)

TITLE 16**STREETS AND SIDEWALKS, ETC¹****CHAPTER**

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET ACCEPTANCE.
4. STREET NAMING.
5. ACCESS TO PUBLIC STREETS.
6. PROPERTY NUMBERING.

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

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Penalty.

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. (Ord. #80-7, Feb. 1980)

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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

(14) feet or over any sidewalk at a height of less than eight (8) feet. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

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; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. 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. (Ord. #80-7, Feb. 1980)

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 to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

16-114. Penalty. The violation of any section or provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-7, Feb. 1980)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.
- 16-211. Penalty.

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. (Ord. #80-7, Feb. 1980)

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

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).

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. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

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 mayor 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 city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, 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 city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (Ord. #80-7, Feb. 1980)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (Ord. #80-7, Feb. 1980)

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. (Ord. #80-7, Feb. 1980)

16-211. Penalty. The violation of any section or provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-7, Feb. 1980)

CHAPTER 3

STREET ACCEPTANCE

SECTION

16-301. Procedure.

16-302. Improvement of standards.

16-303. Costs.

16-304. Notification of acceptance.

16-301. Procedure. No street shall be accepted into the city's public street system unless the street proposed for acceptance has first been reviewed by the Friendsville Municipal Planning Commission (FMPC), as required by Tennessee Code Annotated, § 13-4-104, and thereafter accepted into the city's public street system by vote of the Friendsville Board of Mayor and Commissioners (FBMC), except that, in accordance with the provisions of Tennessee Code Annotated, § 13-4-104, no street which has received a negative recommendation from the FMPC shall be accepted into the city's public street system unless a majority of the entire membership of the FBMC votes to accept such a street into the public street system.

(1) New subdivision streets. The approval of the FMPC of a final plat and/or release of a bond or other form of security upon completion of a street shown on a final subdivision plat shall be deemed as a recommendation from the FMPC to the FBMC that such street should be accepted into the public street system.

(2) Existing private streets or new streets not part of a subdivision. Prior to making a recommendation to the FBMC regarding acceptance of such streets into the public street system, the FMPC shall require the following items to be submitted to it for review:

(a) A survey plat, prepared by a licensed surveyor or engineer showing the boundaries of the proposed right-of-way and the identification of properties having frontage on such right-of-way.

(b) A report from a licensed civil engineer or an approved street-testing firm as to the construction of the street and its current condition.

(c) A petition bearing the names and addresses of all persons owning property fronting on a proposed public street and an indication of whether they support the city's acceptance of such street into the public street system. (Ord. #89-4, April 1989)

16-302. Improvement standards. (1) New subdivision streets. New subdivision streets shall meet the improvement standard for the particular classification of street as set out in the Friendsville Subdivision Regulations, or as may otherwise have been set by the FMPC during the plat review/approval process.

(2) Existing private streets or new streets not part of a subdivision. Existing private streets or new streets not part of a subdivision which are proposed for acceptance into the city's public street system shall meet the improvement standard for the particular classification of street as set out in the Friendsville Subdivision Regulations, except that, the FBMC may accept a street not meeting these standards or may require a street proposed for acceptance to meet a higher improvement standard if it is found that such acceptance would serve to protect or enhance the general health, safety, and welfare of the citizenry of Friendsville. (Ord. #89-4, April 1989)

16-303. Costs. Any costs incurred for surveying, engineering, materials, construction, or legal counsel by any person or persons seeking to have a street accepted into the city's public street system shall be the responsibility of such parties unless otherwise agreed to by the FBMC. (Ord. #89-4, April 1989)

16-304. Notification of acceptance. The FBMC shall notify the FMPC each time it acts to accept a street into the public street system so that it may correct all official city maps and records, as may be necessary. (Ord. #89-4, April 1989)

CHAPTER 4

STREET NAMING

SECTION

- 16-401. Official street name map.
- 16-402. Name designation for new roads.
- 16-403. Street identification signs.
- 16-404. Amendments.

16-401. Official street name map. The map entitled, "Street Index Map, City of Friendsville, November, 1988," shall be the official street name map of the city and shall only be amended in accordance with the provisions of this chapter. (Ord. #89-2, March 1989)

16-402. Name designation for new roads. No new road shall be added to the street index map until the proposed street name has been reviewed by the Friendsville Municipal Planning Commission and the street has been formally accepted into the city's public street system. Names for new streets shall meet the following criteria:

(1) No new street shall bear the name of an existing street, unless such new street is an obvious extension of an existing street; nor, shall a new street bear a name that so closely resembles the name of an existing street so as to cause confusion for emergency vehicles or the traveling public.

(2) The road designations set out below shall be used to determine the "suffixes" (street, lane, etc.) for each new street:

- (a) "Avenue"- runs in a generally east/west direction.
- (b) "Street"- runs in a generally north/south direction.
- (c) "Lane" - cul-de-sac (permanent dead-end roadway*) running in a generally east/west direction.
- (d) "Court"- cul-de-sac (permanent dead-end roadway*) running in a generally north/south direction.
- (e) "Circle"- any circular, semi-circular, or loop street.
- (f) "Road" - roadways that traverse a large portion of the city and/or extend into the unincorporated county or other governmental jurisdictions.

*Permanent dead-end roadway is defined as a roadway having a permanent turn-around; or where no such permanent turn-around exists, it is determined that the land beyond the end of the roadway has no potential for further development in the foreseeable future (steep grade, flood or natural drainage area, deed restrictions or covenants, etc.).

(g) "Highway" - generally a state or federal roadway.
(Ord. #89-2, March 1989)

16-403. Street identification signs. Persons constructing or extending roads shall be responsible for installing approved street identification signs at the intersection of such new streets with existing streets. It shall be unlawful to remove or alter a street sign, except as may be required to bring such signs existing prior to the effective date of this chapter into compliance with the street names shown on the official street name map. (Ord. #89-2, March 1989)

16-404. Amendments. Amendments to this chapter and/or the official street index map shall not become effective until the Friendsville Municipal Planning Commission has reviewed the proposed amendment and presented a recommendation to the board of commissioners regarding such proposed amendment. (Ord. #89-2, March 1989)

CHAPTER 5

ACCESS TO PUBLIC STREETS

SECTION

16-501. Purpose and intent.

16-502. General provisions.

16-503. Driveway or street entrance location and construction standards.

16-504. Penalty.

16-501. Purpose and intent. These regulations are designed:

(1) To protect and promote the safety of the traveling public while providing for adequate access of individual properties to the public streets in the city; and,

(2) To allow for the proper coordination of new public or private streets with the city's major road plan. (Ord. #91-01, May 1991)

16-502. General provisions. In no case shall any person, business, institution, or governmental agency:

(1) Construct a new entrance or alter an existing entrance to private property from or across public streets and right-of-ways; nor,

(2) Connect a new or existing public or private street, road, or easement to or across any public street or right-of-way lying within the corporate limits of the City of Friendsville, Tennessee, without obtaining the approval of the Friendsville Municipal Planning Commission (FMPC) or that of another body or individual to which the FMPC may designate its authority to act in these matters. (Ord. #91-01, May 1991)

16-503. Driveway or street entrance location and construction standards. In deciding upon requests for access onto and across public street right-of-ways within the city, the FMPC shall rely upon provisions relating to access control contained within the zoning ordinance, subdivision regulations, and major road plan, and upon improvement standards generally accepted in the community as appropriate to the particular situation under consideration. (Ord. #91-01, May 1991)

16-504. Penalty. Any person, business, institution, or governmental agency found to be in violation of any provision of this chapter shall be subject to penalties prescribed by law. (Ord. #91-01, May 1991)

CHAPTER 6

PROPERTY NUMBERING

SECTION

- 16-601. Official property numbering map.
- 16-602. Official property numbering system.
- 16-603. Assignment of property numbers.
- 16-604. Special numbering situations.
- 16-605. Application and placement of identifying numbers.
- 16-606. Exceptions.
- 16-607. Administration.
- 16-608. Compliance.
- 16-609. Amendments.
- 16-610. Penalties.

16-601. Official property numbering map. The map entitled, "Property Numbering Map, City of Friendsville, April, 1989," shall be the official property numbering map of the city and shall only be amended in accordance with the provisions of this chapter. (Ord. #89-5, April 1989)

16-602. Official property numbering system. The system by which the official property numbering map was developed and by which newly constructed or annexed roads are to be numbered is as follows:

- (1) Base lines. (a) The east-west base line shall be College Avenue.
- (b) The north-south base line shall be Farnum Street/Miser Station Road.
- (c) The point of intersection of the two lines shall be the axis point from which all grids shall be drawn and numbered.
- (2) Grid lines. (a) Due to topography, curvilinear roads, and "diagonal" orientation of the base lines, the grid lines will not be uniformly located nor oriented in a true north-south or east-west direction.
- (b) Each grid line shall be numbered in progression of 100's "outward" from the axis point.
- (c) Streets which cross the base lines shall bear the additional designation of north or south and east or west.

(3) Property number intervals. All streets shall have a property number assigned for each 52.8' of street frontage. (Ord. #89-5, April 1989)

16-603. Assignment of property numbers. Numbers shall be assigned to each 52.8' frontage interval in the following manner:

When beginning at the point of the numerically smallest block range on a street (which most often will be the 100 range) and traveling

from that point in the direction of the end of the street, even numbers shall be assigned to the right side of the street (usually the north or east side) and odd numbers shall be assigned to the left side of the street (usually the south or west side of a street). (Ord. #89-5, April 1989)

16-604. Special numbering situations. (1) Apartment complexes. Multi-family housing containing three or more dwelling units in one or more buildings shall be assigned the number of the interval closer to the primary entrance on "center" of the building or complex, whichever seems the more logical choice. Units and buildings within such structures and complexes shall have an additional unit or building number or similar additional identification. The frontage interval number along with this additional identification shall form the address for individual units with such buildings or complexes.

(2) Mobile home parks. Mobile home parks (parks under one ownership, lots rented) shall be numbered in the same manner as apartment complexes.

(3) Commercial structures, shopping centers. Structures in commercial areas shall be numbered by the 52.8' interval system. However, structures containing more than one business, shall be assigned the number of the interval closer or closest to the primary entrance or "center" of the structure, whichever seems the more logical choice. Businesses located within a structure, such as a shopping center shall bear the chosen interval number and a suite number or similar additional identification. The frontage interval number along with this additional identification shall form the address for individual businesses within such structures or centers.

(4) Duplexes, structures located behind other structures. Other special situations, such as duplexes, buildings in the rear of a lot, etc., shall be assigned a separate property number, where possible. When this is not possible, the same number with different letters may be used.

(5) Structures on private streets. Structures located along a private street or drive shall not receive individual property numbers. The street shall be assigned a number based on the interval system, and structures located on the street shall bear the same number and an additional number indicating its location along such street and shall together form the address for each structure on such street. (Ord. #89-5, April 1989)

16-605. Application and placement of identifying numbers. (1) All structures within the city which are used as places of residence, for activities of commerce, or educational, religious, and similar activities shall be identified by a unique address determined in accordance with §§ 16-603 and 16-604 of this chapter.

(2) The assigned property number shall be placed upon the portion of the structure and/or within any yard area which is adjacent to or in close proximity to the primary entrance of such structure; and shall be of a size and

a type that is readable from the adjacent right-of-way. A mailbox may be used to fulfill this requirement if it can clearly be identified as serving only the structure which number it bears and is located on the same side of the street as such structure. A mailbox located on the opposite side of the street from the structure it serves or grouped with other mail boxes in one area for ease of mail delivery shall not be considered to meet the structure identification provisions of this chapter. In such cases, the property number must be displayed on the structure or in the yard and readable from the adjacent right-of-way. (Ord. #89-5, April 1989)

16-606. Exceptions. All provisions of the numbering system shall apply to properties along the following streets with the exception of the manner of determining the point from which numbers are assigned:

(1) U.S. 321. The block number ranges along U.S. 321 shall continue in increasing numerical order from the last number range in the county where it abuts with the eastern corporate limits westward to the western corporate limits.

(2) West and East Vinegar Valley Roads. West and East Vinegar Valley Roads shall be numbered beginning with the 100 block range at Miser Station road within the corporate limits in increasing numerical order to its point of intersection with Lane Drive. (Ord. #89-5, April 1989)

16-607. Administration. The Friendsville Board of Commissioners shall be responsible for implementing and administering the city's official property numbering system. (Ord. #89-5, April 1989)

16-608. Compliance. Within sixty (60) days of receiving notification regarding the assignment of a property number, the owner, occupant, or person in charge of any structure, or part thereof, shall post the assigned property number in the manner set forth in § 16-606 of this chapter. Any number or other designations in conflict with the assigned address shall be removed. (Ord. #89-5, April 1989)

16-609. Amendments. Amendments to this chapter and/or the official property numbering map shall not become effective until the Friendsville Municipal Planning Commission has reviewed the proposed amendment and presented a recommendation to the board of commissioners regarding such proposed amendment. (Ord. #89-5, April 1989)

16-610. Penalties. Violations of the provisions of this chapter shall be deemed a misdemeanor and may be punished by a fine of \$1.00 to \$5.00. Each day such a violation is continued shall constitute a separate offense and may be fined as such. (Ord. #89-5, April 1989)

TITLE 17

REFUSE AND TRASH DISPOSAL

[RESERVED FOR FUTURE USE]

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

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
2. CROSS CONNECTIONS.
3. WATER.
4. SEWER SYSTEM.

CHAPTER 1**SEWAGE AND HUMAN EXCRETA DISPOSAL²****SECTION**

18-101. Sanitary regulations.

18-101. Sanitary regulations. (1) It shall be unlawful for any place of habitation not to be provided with sanitary facilities for the disposal of human excreta.

(2) No human excreta shall be deposited upon the surface of the ground where it is exposed to flies, fowls, or animals.

(3) No raw sewage shall be deposited into a water supply, stream, spring, or well that may be used for domestic purposes, drinking, or bathing.

(4) It shall be the duty of the owner of every human habitation to provide for the disposal of human excreta therefrom by sanitary methods approved by the county board of health and the state department of public health.

(5) Every recreation, construction, or tourist camp, or other camping place, shall be provided with such sanitary methods of excreta disposal and with a sanitary water supply.

(6) It shall be the duty of the occupant of every human habitation and of persons in charge of any public assembly or congregation to maintain the facilities for the disposal of human excreta in a clean and sanitary condition at all times. (1952 Code, § 10-1)

¹Municipal code references

Building, utility and housing codes: title 12.
Refuse disposal: title 17.

²Municipal code reference

Plumbing code: title 12, chapter 2.

CHAPTER 2

CROSS CONNECTIONS

SECTION

18-201. Regulations.

18-201. Regulations. It shall be unlawful for any person to make or allow to exist a cross connection, auxiliary intake, bypass, or inter-connection for any purpose unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and unless the operation of such cross connection, auxiliary intake, bypass, or inter-connection is at all times under the direct supervision of the superintendent of the water department of the city or other designated city employee. 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 who stores water in an uncovered or insanitary storage reservoir from which the water is circulated through a piping system, shall file with the water department a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or inter-connections. Such statement shall also contain an agreement that no cross connection, auxiliary intakes, 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 Public Health, and the operation and maintenance of same have been placed under the direct supervision of the water department. (1952 Code, § 10-2)

CHAPTER 3

WATER

SECTION

- 18-301. Water department created.
- 18-302. Superintendent to supervise department.
- 18-303. Rules and regulations.
- 18-304. Contract for service.
- 18-305. Discontinuance of service.
- 18-306. Interference, tampering with water supply.

18-301. Water department created. There is created a department to be known as the "Water Department of the City of Friendsville." (1952 Code, § 7-1(1))

18-302. Superintendent to supervise department. The operation of the water department shall be under the supervision and control of a superintendent of water. It shall be the duty of the superintendent to operate the department in compliance with the rules and regulations promulgated by the city council. (1952 Code, § 7-1(2))

18-303. Rules and regulations. The council by resolution shall promulgate rules and regulations for the operation of the water department. The rates to be charged for services shall be included in the rules and regulations. (1952 Code, § 7-1(3))

18-304. Contract for service. The superintendent, subject to the rules and regulations of the water department, is authorized and empowered to enter into contracts with consumers for the furnishing of water. (1952 Code, § 7-1(4))

18-305. Discontinuance of service. Any consumer who fails to comply with the rules and regulations governing the operation of the water department may have his water supply discontinued. (1952 Code, § 7-1(5))

18-306. Interference, tampering with water supply. It shall be unlawful for any person to interfere with the operation of the water department. Tampering with water meters, tapping water mains or service lines without permission of the superintendent, doing physical damage to meters or lines, or in any manner interfering with the water supply or the free flow of water shall be unlawful. (1952 Code, § 7-1(6))

CHAPTER 4

SEWER SYSTEM

SECTION

18-401. Connections to system, etc.

18-401. Connections to system, etc. (1) No person shall make, or cause to be made, any connection with the sewage system of the city until first applying for and receiving a permit from the city clerk of the city. In no event will more than one house sewerage system be permitted on one connection.

(2) Upon application for such permit to connect with the sewerage system of the city, the same shall be granted upon payment of the fee designated in the rules and regulations; except that where the usual lateral or other connection is already provided, but for the convenience of such person a different lateral or other connection is installed, the fee shall be that designated in the rules and regulations plus the amount of the actual cost of labor and material used in making such connection.

(3) No connection of any character shall be made with the sewerage system of the city by any person until notice has been given the city clerk so that he may inspect and approve or have inspected and approved the character and type of connection to be made. The ditch shall be left uncovered until the city clerk or health officer has inspected it.

(4) No connection shall be made to the sewerage system except by a licensed plumber.

(5) No material or any paper shall be used or thrown into any water closet except toilet or tissue paper manufactured for such use.

(6) The city clerk, or any person designated by him, shall have the power to visit all premises within the city for the purpose of inspecting water connections, closets, sinks, and plumbing equipment.

(7) No connection shall be made with the sewerage system of the city without properly equipping the same with the suitable grease trap so as to prevent grease from entering the sewerage system.

(8) Every dwelling house or other structure where people live, work, or congregate, located within two hundred (200) feet of a street or alley in which a sewer has been constructed, shall connect thereto. Any person refusing to make such connection shall be guilty of a misdemeanor, and each day shall constitute a separate offense. (1952 Code, § 7-2)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]

ORDINANCE NO. 2006-01

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND
REVISION OF THE ORDINANCES OF THE CITY OF
FRIENDSVILLE TENNESSEE**

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

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

WHEREAS the Board of Commissioners of the City of Friendsville, 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 "Friendsville Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRIENDSVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles" 1 to 20, both inclusive, are ordained and adopted as the "Friendsville 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 Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; and 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 therefore; any ordinance dedicating or accepting any plat or subdivision; and 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 ordinances existing and in force of its effective date, and said provisions shall be considered to be continuations thereof and not 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 the fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appear 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

¹State law reference

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

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

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

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the

validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted there from.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of commissioners, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the number 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 to 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 on 1st Reading

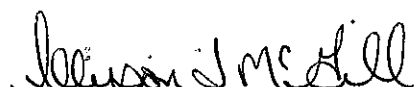
March 2, 2006

Passed on 2nd Reading

May 18, 2006



Mayor Don Parkins



City Recorder Allyson McGill