

**THE  
GRAYSVILLE  
MUNICIPAL  
CODE**

Prepared by the  
**MUNICIPAL TECHNICAL ADVISORY SERVICE  
INSTITUTE FOR PUBLIC SERVICE  
THE UNIVERSITY OF TENNESSEE**

in cooperation with the  
**TENNESSEE MUNICIPAL LEAGUE**

June, 1991

Change 5, August 1, 2011

**TOWN OF GRAYSVILLE, TENNESSEE**

**MAYOR**

Ted Doss

**VICE MAYOR**

Jimmy Massengill

**COMMISSIONERS**

Andy Beene  
Samantha Clements  
Robbie Davenport  
Charles Kaylor  
Dennis Miller

**RECORDER**

Michelle Horton

**MUNICIPAL CLERK**

Amanda Sulcer

## Preface

The Graysville Municipal Code contains the codification of the ordinances of the Town of Graysville, 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 substantial 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 town's ordinance book or the town recorder for a comprehensive and up to date review of the town's ordinances.

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the town agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

Presently, 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 Mrs. Tracy Gardner, the MTAS Sr. Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Claudia Wolfenbarger  
Administrative Secretary

Andre Coure  
Codification Consultant

## **ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE TOWN CHARTER**

The ordinance adoption procedures for the Town of Graysville are set out as follows precisely as they appear in the charter.

### **SECTION 21**

#### **ORDINANCES**

An action of the board shall be by ordinance when granting, renewing or extending public franchises; creating, abolishing or combining departments or offices; authorizing the borrowing of money; regulating the rate charged for its services by a public utility; fixing fees, service charges and utility rates; exercising the police power; levying taxes; adopting the budget; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance. All other actions may be accomplished by resolutions or motions.

Each resolution and ordinance shall be in written form before being introduced. The affirmative vote of a majority of those commissioners present shall be required to pass any motion, resolution or ordinance, including both readings in the case of an ordinance.

Each ordinance, before being adopted, shall be read at two (2) meetings not less than seven (7) days apart, and shall take effect immediately, provided a caption of the ordinance, excepting emergency ordinances, has been published in a local newspaper of general circulation or unless otherwise specified. Where an emergency exists and the public safety and welfare require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective after one reading if approved by at least five (5) members of the board. No ordinance relating to a franchise, exclusive contract, or other special privilege shall be passed as an emergency ordinance. Amendments of ordinances may be made prior to final reading and shall be accomplished only by setting forth the complete section, sections, subsection or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date, and issuing organization, and the town clerk shall file a copy of the code in his office.

TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. RECORDER.
4. WATER WORKS CLERK.
5. DISPOSAL OF TOWN PROPERTY.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF COMMISSIONERS<sup>2</sup>

SECTION

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

1-101. Time and place of regular meetings. The mayor and board of commissioners shall hold regular monthly meetings at 7:00 P.M. the second Thursday of each month at town hall. (as replaced by Ord. #2009-08, Jan. 2010)

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

- (1) Call to order by the mayor.
- (2) Roll call by recorder.
- (3) Approval or corrections of the previous meeting minutes.
- (4) Communications from mayor and board of commissioners.

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<sup>1</sup>Municipal code references

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Residency requirements of members of board: Sec. 3.

Duties of mayor: Sec. 6.

- (5) Consent agenda.
- (6) Old business.
- (7) New business.
- (8) Communications from citizens.
- (9) Adjournment.

Groups wishing to express the same opinion or concern regarding an issue should select one (1) spokesperson for the group. (as amended by Ord. #2008-01, Jan. 2008, and replaced by Ord. #2009-08, Jan. 2010)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the board of commissioners at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code.

1-104. Definitions. (1) "Governing body" means mayor and board of commissioners.

(2) "Regular monthly meeting" means such day and time of the month fixed by the board, and more often, as the town may demand. (as added by Ord. #2008-01, Jan. 2008)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Executes town's contracts.

1-202. Appointment of committees.

1-201. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of commissioners.

1-202. Appointment of committees. The mayor shall appoint such committees as he deems necessary for the orderly general supervision of municipal affairs. The mayor shall appoint from the committee's membership one person to chair the respective committee.

Said committee chairperson shall report to the board of commissioners when requested by any member of that board as to the status of the activities of that committee. (Ord. # 1977-1, § 1, modified)

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<sup>1</sup>Charter references

Duties of mayor: Sec. 6.



## CHAPTER 3

### RECORDER<sup>1</sup>

#### SECTION

1-301. Generally supervises town's affairs.

1-302. Bonding.

1-303. Administrative duties.

1-301. Generally supervises town's affairs. The town recorder shall have supervision of all town affairs and may require such reports from the officers and employees as he/she may reasonably deem necessary to carry out his/her responsibilities. (as replaced by Ord. #2008-10, July 2008)

1-302. Bonding. The recorder shall be bonded in such sum as the board of mayor and commissioners may determine, with a surety approved by resolution by the board of mayor and commissioners. (Ord. # 1977-1, § 3, as replaced by Ord. #2008-10, July 2008)

1-303. Administrative duties. Keep minutes, maintain records of the proceedings of the governing body and other meetings; serve as official custodian of town records; confers, coordinates, plans and provides support for the department heads, and other employees on various financial and administrative matters; plans, organizes and directs operations in the areas of accounting, budgeting, and capital budgeting, reporting, purchasing, tax collection, and other financial activities; responsible for the reconciliation of bank statements and invoices, bond payments, drafting checks, accounts payable, etc.; helps train employees, prepares legal notices, may prepare resolutions for consideration by the governing body, maintains bid files and may assist with bid openings, makes effective oral and written presentations to the board of mayor and commissioners, oversees preparation of the annual budget and capital budget for all funds, and assists department heads with estimates, makes budgetary recommendations, prepares the appropriation ordinance and related documents; manages and evaluates subordinates; helps assure that all financial operations are performed in compliance with applicable local, state, and federal laws, as well as with acceptable standard principles of accounting and finance; and

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<sup>1</sup>Charter references

Appointment: Sec. 13.

Oath of office: Sec. 7.

Bonds: Sec. 9.

Municipal code reference

See section 4-101, Employment of town personnel.

responsible for maintaining all types of insurance coverage such as health, property, liability, workers compensation, etc. (Ord. # 1977-1, § 3, as amended by Ord. # 1982-2; and replaced by Ord. #95-2, Sept. 1995, and Ord. #2008-10, July 2008)

## CHAPTER 4

### WATER WORKS CLERK

#### SECTION

1-401. Water works clerk.

1-402. Bonding.

1-403. Administrative duties.

1-401. Water works clerk. This employee provides a variety of administrative support services in town hall. The employee in this class is under the immediate supervision of the public works director. (Ord. # 1977-1, § 4, as replaced by Ord. #2008-11, July 2008)

1-402. Bonding. The water works clerk shall be bonded in such sum as the board of mayor and commissioners may determine, with a surety approved by resolution by the board of mayor and commissioners. (Ord. # 1977-1, § 4, as replaced by Ord. #2008-11, July 2008)

1-403. Administrative duties. The water works clerk shall collect payments of water bills, town taxes, town fines and other payments to the town; serve as a receptionist, answering telephone calls, greeting visitors, take complaints, route calls and visitors to proper person; receive and process service orders for the water department; assists with the posting and filing of tax receipts; sorts and distributes incoming mail; calculates penalties on delinquent taxes, research tax and utility delinquencies; assists with payroll; performs various other clerical tasks/duties as assigned. (Ord. # 1977-1, § 3, modified, as replaced by Ord. #2008-11, July 2008)

## CHAPTER 5

DISPOSAL OF TOWN PROPERTY

## SECTION

1-501. Applicability.

1-502. Donations.

1-503. Other disposals of personalty.

1-501. Applicability. The provisions of this chapter shall apply to all personalty of the town which is no longer being used for said town and which is to be sold, donated, destroyed, or otherwise rendered unusable for its original or any other reasonable purpose. This definition shall include all or portions of any improvements or fixtures. (Ord. # 1979-8, § 1)

1-502. Donations. Proposed donation of any personalty of the town shall be approved prior to said disposal by motion of the board of commissioners. (Ord. # 1979-8, § 2)

1-503. Other disposals of personalty. When a department head determines that there is surplus equipment or material within the department, he or she shall notify the town recorder in writing of any such equipment or materials. The town recorder will determine the best method of disposal of those items with an estimated value of less than one hundred dollars (\$100) and instruct the department head as to the disposal method. Items with an estimated value of one hundred dollars (\$100) or more shall be advertised and bids received by the town recorder after approval by the board of commissioners. Such equipment or material shall be sold to the highest bidder. However, the town recorder may transfer surplus equipment or material from one department to another. The secretary/treasurer shall be notified of any such transfer or sales. With approval of the board of commissioners, equipment or material may be sold at public auction.

## CHAPTER 6

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in non-voting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations.

1-601. Applicability. This chapter is the code of ethics for personnel of the Town of Graysville. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those

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<sup>1</sup>State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance - T.C.A. Title 2, Chapter 10.

Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements - T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.

Ouster law - T.C.A. § 8-47-101 and the following sections.

of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the Town of Graysville. The words "Town of Graysville" include these separate entities. (as added by Ord. #1246, Jan. 2007)

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #1246, Jan. 2007)

1-603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (as added by Ord. #1246, Jan. 2007)

1-604. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #1246, Jan. 2007)

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<sup>1</sup>Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

1-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the Town of Graysville:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #1246, Jan. 2007)

1-606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #1246, Jan. 2007)

1-607. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the Town of Graysville. (as added by Ord. #1246, Jan. 2007)

1-608. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the Town of Graysville.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the Town of Graysville. (as added by Ord. #1246, Jan. 2007)

1-609. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the Town of Graysville's charter or any ordinance or policy. (as added by Ord. #1246, Jan. 2007)

1-610. Ethics complaints. (1) The city attorney is designated as the ethics officer of the Town of Graysville. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney

may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the Town of Graysville's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #1246, Jan. 2007)

1-611. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the Town of Graysville's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #1246, Jan. 2007)



TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. PARKS AND RECREATION BOARD.
2. LIBRARY BOARD.

CHAPTER 1

PARKS AND RECREATION BOARD

SECTION

- 2-101. Created.
- 2-102. Members.
- 2-103. Severability.

2-101. Created. Be it ordained by the Board of Mayor and Commissioners of the Town of Graysville, Tennessee that there is hereby created a park and recreation board. Said board shall have all duties and powers pursuant to Tennessee Code Annotated, chapter 9, and shall be an administrative board with the chairperson serving as recreation director. (as added by Ord. #2008-03, Jan. 2008)

2-102. Members. Be it further ordained that the following bona fide citizens of seven (7) shall hold elections each November for chairperson, vice chairperson and secretary. (as added by Ord. #2008-03, Jan. 2008)

2-103. Severability. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (as added by Ord. #2008-03, Jan. 2008)

## CHAPTER 2

### LIBRARY BOARD

#### SECTION

2-201. Library board established.

2-202. Appointment and tenure of members; filling vacancies.

2-203. Removal from office; filling of vacancies.

2-204. Powers and duties of library board.

2-205. Use of library.

2-206. Date of effect.

2-201. Library board established. There is hereby established a library board which shall consist of seven (7) members, who shall serve without compensation. (as added by Ord. #2008-14, Oct. 2008)

2-202. Appointment and tenure of members; filling vacancies. Three (3) members of the library board shall be appointed by the mayor and board of commissioners for one (1) year, two (2) for two (2) years and two (2) for three (3) years, and their successors for a term of three (3) years. Not more than one (1) official each of the county and of the town governing bodies shall serve on this board. Not more than five (5) of the members shall be of the same sex. Vacancies in the library board occurring otherwise than by normal expiration of a term shall be filled by the mayor and board of commissioners for the unexpired portion of the term. (as added by Ord. #2008-14, Oct. 2008)

2-203. Removal from office; filling of vacancies. Any member of the library board may be removed from office by majority vote of the mayor and board of commissioners for failing to attend meetings of the board, for any other neglect of duties as such member or for any misconduct in office. (as added by Ord. #2008-14, Oct. 2008)

2-204. Powers and duties of library board. The members of the library board shall organize by electing officers and adopting by-laws and regulations. The board has the power to direct all the affairs of the library, with the exception of appointment of employees. Such board may receive donations, devises and bequests to be used by it directly for library purposes. The library board shall furnish to the state library agency such statistics and information as may be required, and shall make monthly reports to the mayor and board of commissioners. Annually, the library board shall submit a budget in conformance with the town charter to the town recorder who shall forward to the mayor and board of commissioners. All town tax funds and appropriate fees for library purposes, whether raised by bonds or taxation, shall be held by the town recorder or appropriate designee. Such funds may be disbursed when

properly drawn upon by requisitions. Proceeds from the sale of surplus books by the town library may be credited to such special fund in the discretion of the library board. All library accounts of every character and kind shall be audited annually by or under the supervision and direction of the mayor and board of commissioners. (as added by Ord. #2008-14, Oct. 2008)

2-205. Use of library. The Town of Graysville Public Library shall be free to the inhabitants and residents of the town; however, the board may, in its discretion, extend the privilege and facilities of the library to persons residing outside the town upon terms as it may deem proper. The library board shall have power to make and enforce rules providing penalties for loss of or injury to library property. (as added by Ord. #2008-14, Oct. 2008)

2-206. Date of effect. The ordinance comprising this chapter shall take effect from and after its final passage, the public welfare requiring it. (as added by Ord. #2008-14, Oct. 2008)

## TITLE 3

MUNICIPAL COURT<sup>1</sup>

## CHAPTER

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

## CHAPTER 1

TOWN JUDGE

## SECTION

## 3-101. Town judge.

3-101. Town judge. (1) Appointment and term. There shall be a town judge who shall handle judicial matters within the town. The town judge shall be appointed by the board of commissioners. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled by the board of commissioners.

(2) Temporary town judge. In the event the town judge is either absent or unable to act, or is disqualified from sitting in any particular case, the town judge is hereby authorized to appoint a temporary judge to act during the absence, inability to act or disqualification. The board of commissioners shall appoint a temporary judge should the absence exceed two (2) consecutive sessions of the town court. The temporary town judge shall have all the qualifications required, and powers, of the town judge. (as amended by Ord. #1997-8, Jan. 1998)

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<sup>1</sup>Charter references

Municipal court, town judge: Sec. 18.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Maintaining the court.

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

3-204. Disturbance of proceedings.

3-205. Failure to appear.

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

3-202. Maintaining the court. (1) Court costs are designed to offset the cost of maintaining the court. There will be uniform court cost for all charges.

(2) The town judge is authorized to assess a fine not to exceed fifty dollars (\$50.00) in addition to the court cost.

(3) The court cost is set at one hundred forty-four dollars (\$144.00) per citation.

(4) 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; any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (as replaced by Ord. #2008-15, Dec. 2008)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the municipal town court in the form of fines, penalties, costs, and forfeitures shall be recorded by the court clerk and paid over daily to the town. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

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

3-205. Failure to appear.<sup>1</sup> Failure of an offender to appear for trial in the town court after the proper issuance of an ordinance summons shall cause a FTA judgment not to exceed fifty dollars (\$50.00) against the offender in addition to court cost. (as added by Ord. #2010-05, Jan. 2011)

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 7-63-105; 7-63-204.

## 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.<sup>1</sup> The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the municipal 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 municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the municipal 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.

3-303. Issuance of subpoenas. The town 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.

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<sup>1</sup>State 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 town 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 town judge or, in the absence of the judge, with the municipal court clerk, or in the absence of the municipal court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs.

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within ten (10) days<sup>1</sup> next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the municipal court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the municipal court at the stated time and place. An appeal bond in any case shall be in such sum as the town judge shall prescribe, not to exceed 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 or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable.

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 27-5-101.



TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. IN GENERAL.
2. SOCIAL SECURITY.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS

CHAPTER 1

IN GENERAL

SECTION

- 4-101. Employment of town personnel.  
4-102. Supervision of town personnel.

4-101. Employment of town personnel. (1) Any individual desiring to be employed by said town shall first complete an application and submit it to the secretary/treasurer.

(2) The recorder shall be the individual responsible for preparing the necessary form for application.

(3) Upon receipt of application, the recorder shall present said application with a statement of necessity if any exists for the hiring of additional personnel to the board meeting in public assembly at its next regularly scheduled meeting.

(4) The board shall evaluate the applications and those of any others presented at anytime up to and including the consideration by the board and determine the employment needs of the town and who shall be hired to meet same.

(5) Said hiring shall be done by simple motion, public necessity requiring it.

(6) Any increase beyond the previously budgeted funds for salaries and personnel shall be made by ordinance pursuant to the charter of the town.

(7) This chapter shall not apply to any of the charter designated officers of the town. (Ord. # 1981-3)

4-102. Supervision of town personnel. Individuals employed by the Town of Graysville shall perform duties under the supervision of the recorder or some other person designated by the board of commissioners. The board of commissioners shall submit orders for work to be performed either in writing or orally to the recorder or such other designated person. (Ord. # 1982-2)

## 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.
- 4-206. Exemptions from coverage.

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this town to provide for all eligible employees and officials of the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations.

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.

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.

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.

4-205. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

4-206. Exemptions from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any

employee or official not authorized to be covered by applicable state and federal laws or regulations.

## CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

## SECTION

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

4-301. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the Town of Graysville. (Ord. #1999-5, Sept. 1999)

4-302. Purpose. The Mayor and Board of Commissioners of the Town of Graysville, 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) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program. (Ord. #1999-5, Sept. 1999)

4-303. Coverage. The provisions of the Occupational Safety and Health Program for the employees of the Town of Graysville shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Graysville whether part-time or full-time, seasonal or permanent. (Ord. #1999-5, Sept. 1999)

4-304. Standards authorized. The occupational safety and health standards adopted by the Town of Graysville are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated Title 50, Chapter 5). (Ord. #1999-5, Sept. 1999)

4-305. Variances from standards authorized. The Town of Graysville may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with "Rules of Tennessee Department of Labor, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, Title 5. Prior to requesting such temporary variance, the Town of Graysville shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the Town of Graysville shall be deemed sufficient notice to employees. (Ord. #1999-5, Sept. 1999)

4-306. Administration. For the purposes of this chapter, the Recorder of the Town of Graysville is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the Town of Graysville. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #1999-5, Sept. 1999)

4-307. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Town of Graysville. (Ord. #1999-5, Sept. 1999)

## CHAPTER 4

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

4-401. Purpose.

4-402. Enforcement.

4-403. Travel policy.

4-404. Travel reimbursement rate schedules.

4-405. Administrative procedures.

4-401. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with Tennessee Code Annotated, § 6-54-901--907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. #1999-6, Aug. 1999, as replaced by Ord. #2010-06, Jan. 2011)

4-402. Enforcement. The Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #1999-6, Aug. 1999, as replaced by Ord. #2010-06, Jan. 2011)

4-403. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

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

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

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

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

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

(a) Directly related to the conduct of the town business for which travel was authorized; and

(b) Actual, reasonable and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

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

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

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. #1999-6, Aug. 1999, as replaced by Ord. #2010-06, Jan. 2011)

4-404. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The town's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (Ord. #1999-6, Aug. 1999, as replaced by Ord. #2010-06, Jan. 2011)

4-405. Administrative procedures. The town adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the

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town recorder. (Ord. #1999-6, Aug. 1999, as replaced by Ord. #2010-06, Jan. 2011)



## TITLE 5

MUNICIPAL FINANCE AND TAXATION

## CHAPTER

1. REAL AND PERSONAL PROPERTY TAXES.
2. PRIVILEGE TAXES.

## CHAPTER 1

REAL AND PERSONAL PROPERTY TAXES

## SECTION

5-101. When due and payable.

5-102. When delinquent; penalty and interest.

5-101. When due and payable.<sup>1</sup> Taxes levied by the town against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied.

5-102. When delinquent; penalty and interest.<sup>2</sup> All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and

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<sup>1</sup>State law reference

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

<sup>2</sup>State law reference

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

interest as is authorized and prescribed by the state law for delinquent county real property taxes.<sup>1</sup>

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<sup>1</sup>State law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

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

## CHAPTER 2

PRIVILEGE TAXES

## SECTION

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, section 67-4-701 et seq. are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the act.

5-202. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. Violations of this section shall be punished under the general penalty provisions of this code of ordinances.

## TITLE 6

### LAW ENFORCEMENT<sup>1</sup>

#### CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.

#### CHAPTER 1

### POLICE DEPARTMENT<sup>2</sup>

#### SECTION

- 6-101. Policemen subject to police chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Police department records.
- 6-104. Appointment of auxiliary policemen.
- 6-105. Pay of auxiliary policemen.

6-101. Policemen subject to police chief's orders. All policemen, auxiliary policemen and ride along personnel shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (Ord. # 1977-3, § 1, as replaced by Ord. #2008-16, Dec. 2008)

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

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

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

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>See Resolution 1981-2 concerning training of police officers.

(4) Any other records required to be kept by the board of commissioners.

The police chief shall be responsible for insuring that the police department complies with the section.

6-104. Appointment of auxiliary policemen. The police chief may appoint such auxiliary policeman as are needed to assist the full-time policemen of the town in preserving law and order within the municipality, subject to approval of the board of commissioners. (Ord. # 1977-3, § 2, as replaced by Ord. #2008-16, Dec. 2008)

6-105. Pay of auxiliary policemen. The board of commissioners shall set from time to time the compensation, if any, to be paid to any auxiliary policemen. (Ord. # 1977-3, § 2)

## CHAPTER 2

ARREST PROCEDURES

## SECTION

6-201. When policemen to make arrests.

6-202. Disposition of persons arrested.

6-201. When policemen to make arrests.<sup>1</sup> 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.

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

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

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<sup>1</sup>Municipal code reference

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

## TITLE 7

FIRE PROTECTION AND FIREWORKS<sup>1</sup>

## CHAPTER

1. VOLUNTEER FIRE DEPARTMENT.
2. FIREWORKS.

## CHAPTER 1

VOLUNTEER FIRE DEPARTMENT<sup>2</sup>

## SECTION

- 7-101. Establishment, equipment, and membership.
- 7-102. Objectives.
- 7-103. Organization, rules, and regulations.
- 7-104. Records and reports.
- 7-105. Tenure and compensation of members.
- 7-106. Chief responsible for training and maintenance.
- 7-107. Chief to be assistant to state officer.
- 7-108. Refusal to return equipment to the fire chief; penalty

7-101. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of commissioners. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, and any gifts to the volunteer fire department shall be turned over to and become the property of, the town and the town shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of commissioners, and such number of subordinate officers and firemen as the fire chief shall appoint.

7-102. Objectives. The volunteer fire department shall have as its objectives:

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

7-103. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department.

7-104. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor or to the board of commissioners as they may require.

7-105. Tenure and compensation of members. The fire chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The fire chief may be suspended for up to thirty (30) days by the mayor, but may be dismissed only by the board of commissioners.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of commissions may from time to time prescribe.

7-106. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of commissioners.

7-107. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

7-108. Refusal to return equipment to the custody of the fire chief; penalty. It is an offense against the town for any fireman who is issued fire



department equipment to refuse to return the equipment to the custody of the fire chief or fire commissioner upon demand of same.

Said offense is punishable by a fine of not less than \$2.00 nor more than \$50.00 for each offense. (Ord. # 1982-4, modified)

## CHAPTER 2

FIREWORKS

## SECTION

- 7-201. Permissible items of fireworks; exceptions.
- 7-202. Public displays.
- 7-203. Unlawful acts in the sale and handling of fireworks.
- 7-204. Conditions for sale and use of permissible articles.
- 7-205. Seizure and destruction of fireworks.
- 7-206. Penalty for violation.

7-201. Permissible items of fireworks; exceptions, It shall be unlawful for an individual, firm, partnership or corporation to possess, sell or use within the Town of Graysville any pyrotechnics commonly known as "fireworks" other than the permissible items enumerated below or otherwise provided herein. Permissible fireworks consist of U.S. Department of Transportation (DOT) Class C common fireworks only including but not limited to:

(1) Roman candles, not exceeding ten (10) balls or pellets spaced uniformly in the tube, total pyrotechnic composition not exceed the weight of 20 grams. The tube shall be of heavy paper or cardboard not exceeding 3/8 inch (9.5 mm) inside diameter.

(2) Sky rockets, with sticks, total pyrotechnic composition not to exceed twenty (20) grams. The inside diameter of the tube shall not exceed one-half (1/2) inch (12.5 mm) The rocket tube must be securely fastened to the stick. Missile type fins may be substituted for a stick.

(3) Helicopter aerial spinners, total weight of pyrotechnic composition not to exceed twenty (20) grams; the inside tube diameter shall not exceed one-half (1/2) inch (12.5 mm).

(4) Cylindrical fountains, total weight of pyrotechnic composition not to exceed seventy-five (75) grams; the inside tube diameter shall not exceed three-fourths (3/4) of an inch (19 mm).

(5) Cone fountain, total weight of pyrotechnic composition not to exceed fifty (50) grams each.

(6) Wheels, total weight of pyrotechnic composition not to exceed sixty (60) grams of for each driver unit and two hundred and forty (240) grams for each complete wheel. The inside tube diameter of driver units shall not exceed one-half (1/2) inch (12.5 mm).

(7) Illuminating torches and colored fire in any form, except items exempted by name below, total weight of pyrotechnic composition not to exceed one hundred (100) grams each.

(8) Mines and shells of which the mortar is an integral part, total weight of pyrotechnic composition not to exceed forty (40) grams each and an inside diameter not to exceed 2.5 inches (63.5 mm).

(9) Firecrackers, salutes, and chasers in small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition.

(10) Combination items, devices containing combinations of two or more of the fireworks described above.

(11) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the U.S. consumer product safety commission and permitted for use by the general public under its regulations.

Exceptions, not defined as fireworks:

(12) Railway fuses, truck flares, hand held maritime distress signals, smoke signals, smoke pots, and other emergency flares.

(13) Novelties including toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five one hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than 25/100's grains of explosive compounds, cone, bottle, tube and other type serpentine pop-off novelties, model rockets, wire sparklers containing not over one hundred (100) grams of composition per item (sparklers containing any chlorate or per chlorate salts may not exceed five (5) grams of composition per item), matches, trick matches and cigarette loads. (as added by Ord. #\_\_\_, May 1995)

7-202. Public displays. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with rules and regulations promulgated by the state fire marshal and NFPA 1123 Standard for Public Display of Fireworks. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the state shall include pieces of fireworks classified by DOT as Class B explosives but shall not include such items of commercial fireworks and cherry bombs, tubular sales, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such display(s) have:

(1) applied to the Town of Graysville and received the signatures of the mayor acting on behalf of the board of commissioners, chief of police and fire chief on the application to the state fire marshal as required by TCA 68-104-107.

(2) Before any such signatures shall be made, the person, firm or corporation making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, or corporation or any agent or employee thereof, in such amount, character, and form as the

board of commissioners determines to be necessary for the protection of the public. And,

(3) received such permit approved by the state fire marshal. Permits shall be limited to the time specified therein, and shall not be transferable. After such permit has been granted, sales, possession, use and distribution of fireworks for such displays shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (as added by Ord. #\_\_\_, May 1995)

7-203. Unlawful acts in the sale and handling of fireworks. (1) It is unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person.

(2) It is unlawful to explode or ignite fireworks on the property of any church, hospital, asylum, public school or nearby while public school is in session or church services are being held.

(3) No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place, aim or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people.

(4) All items of fireworks which exceed the limits of DOT Class C or U.S. consumer product safety commission as to explosive composition, provided this subsection shall not affect display fireworks as authorized by this chapter. (as added by Ord. #\_\_\_, May 1995)

7-204. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in section 7-201 shall be sold, offered for sale or possessed within the town or used within the town, except as provided in section 7-202, unless it shall be properly named to conform to the nomenclature of section 7-201, unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container "DOT class C common fireworks," such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. (as added by Ord. #\_\_\_, May 1995)

7-205. Seizure and destruction of fireworks. (1) The Graysville town police shall seize as contraband any fireworks other than "class C common fireworks" defined in section 7-201 or "special fireworks" for public displays as provided in section 7-202, which are sold displayed, used or possessed in violation of this chapter.

(2) The chief of police is authorized to destroy fireworks so seized after:

(a) if the owner of such seized fireworks is known, the chief of police shall give notice by registered mail or personal service to such owner, of the intention to destroy such seized materials. Such notice shall inform the owner of the his/her right to a hearing before the town

court, provided such hearing is requested within ten (10) days of notice being received.

(b) if the owner of any seized fireworks is not known to the chief of police, the chief shall publish notice in a newspaper of general circulation within Rhea County, giving notice of such seizure, and that if no person claims ownership within ten (10) days of publication, such fireworks shall be destroyed. Where the owner claims the fireworks, a hearing shall be scheduled before the town court.

(c) where the owner claims a hearing, a date for a bearing shall be set in the town court and the owner so notified.

(d) where the owner does not claim a hearing or no owner comes for-ward for fireworks under subsection (b), the chief of police shall obtain permission from the town court to destroy such seized fireworks. (as added by Ord. #\_\_\_, May 1995)

7-206. Penalty for violation. Any individual, firm partnership or corporation that violates any provision of this chapter, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than two dollars (\$2.00) or more than fifty dollars (\$50.00). (as added by Ord. #\_\_\_, May 1995)

TITLE 8

ALCOHOLIC BEVERAGES<sup>1</sup>

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Sale of intoxicating liquor regulated.

8-101. Sale of intoxicating liquor regulated. It will be prohibited except as authorized by applicable laws and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (Ord. # 1985-2, modified, as replaced by Ord. #2008-07, May 2008)

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<sup>1</sup>Municipal code references

Driving under the influence: § 15-104.

Minors in beer places, etc.: title 11, chapter 2.

State law reference

Tennessee Code Annotated, title 57.

## CHAPTER 2

### BEER

#### SECTION

- 8-201. Beer board created.
- 8-202. Meetings of the beer board.
- 8-203. Records of meetings to be kept.
- 8-204. Quorum required.
- 8-205. Powers of the beer board.
- 8-206. Beer defined.
- 8-207. Beer permits.
- 8-208. Privilege taxes.
- 8-209. Permits shall be restrictive.
- 8-210. Licenses for sale of beer shall be limited.
- 8-211. Prohibited acts pertaining to beer and beer places.
- 8-212. Unlawful conduct.
- 8-213. Revocation or suspension of beer permit.
- 8-214. Responsible vendor.
- 8-215. Loss of clerk's certification for sale to minors.
- 8-216. Violations and penalty.
- 8-217. Legal entities, etc.

8-201. Beer board created. There is hereby established a beer board to be composed of the board of mayor and commissioners. The mayor shall be the chairman of the beer board. (as added by Ord. #2008-07, May 2008)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at 6:45 P.M. the second Thursday of the following months: March, June, September and December. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. (as added by Ord. #2008-07, May 2008, and replaced by Ord. #2009-10, Jan. 2010)

8-203. Records of meetings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following:

- (1) The date of each meeting;
- (2) The names of the board members present and absent;
- (3) The names of the members introducing and seconding motions and resolutions, etc., before the board;
- (4) A copy of each such motion or resolution presented;
- (5) The vote of each member thereon; and

(6) The provisions of each beer permit issued by the board. (as added by Ord. #2008-07, May 2008)

8-204. Quorum required. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (as added by Ord. #2008-07, May 2008)

8-205. Powers of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (as added by Ord. #2008-07, May 2008)

8-206. Beer defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101(a)(20); provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non beverage ingredients containing alcohol. (as added by Ord. #2008-07, May 2008)

8-207. Beer permits. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of cash or cashier's check payable to the Town of Graysville. Each applicant must certify that he has read and is familiar with the provisions of this chapter including Tennessee Code Annotated, § 57-5-105. (as added by Ord. #2008-07, May 2008)

8-208. Privilege taxes. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the Town of Graysville, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax. (as added by Ord. #2008-07, May 2008)



8-209. Permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off-premises consumption. A single permit may be issued for on-premise and off-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions in his permit. (as added by Ord. #2008-07, May 2008)

8-210. Licenses for sale of beer shall be limited. The number of licenses for the sale of beer shall be limited to five (5). Provided that all requirements of this chapter are complied with, all existing permits for the sale of beer within the corporate limits of the town at the date of the passage of the ordinance comprising this chapter shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment in which a permit is now held for the sale of beer, and the permit used only within the establishment or building purchased. (as added by Ord. #2008-07, May 2008)

8-211. Prohibited acts pertaining to beer and beer places. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred feet (300') of any school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the school, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (as added by Ord. #2008-07, May 2008)

8-212. Unlawful conduct. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

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

(2) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

- (3) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (4) Allow drunk persons to loiter about his premises.
- (5) Serve, sell, or allow the consumption on his premises of any alcoholic beverage.
- (6) Allow pool or billiard playing in the same room where beer is sold. (as added by Ord. #2008-07, May 2008, and amended by Ord. #2009-10, Jan. 2010)

8-213. Revocation or suspension of beer permit. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (as added by Ord. #2008-07, May 2008)

8-214. Responsible vendor. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. The beer board may impose

on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose. (as added by Ord. #2008-07, May 2008)

8-215. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #2008-07, May 2008)

8-216. Violations and penalty. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #2008-07, May 2008)

8-217. Legal entities, etc. A legal entity, i.e., corporation, limited liability company, partnership, etc., can lawfully offer for sale or sell beer or other alcoholic beverages with an alcoholic content not exceeding five percent (5%) by weight within the corporate limits of Graysville, Tennessee, daily including Sunday, during all business hours of the legal entity. (as added by Ord. #2009-10, Jan. 2010)

## TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

## CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. FAIR HOUSING.

## CHAPTER 1

PEDDLERS, SOLICITORS, ETC.<sup>2</sup>

## SECTION

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers, street barkers and solicitors.
- 9-106. Restriction on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.
- 9-110. Violation and penalty.

9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

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

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<sup>1</sup>Municipal code references

Building, plumbing, wiring and housing regulations: title 12.  
 Junkyards: title 13.  
 Liquor and beer regulations: title 8.  
 Noise reductions: title 11.  
 Zoning: title 14.

<sup>2</sup>Municipal code references

Privilege taxes: title 5.  
 Trespass by peddlers, etc.: section 11-401.

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

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

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Rhea County for a period of two (2) years prior to the date of its application for registration under this chapter.

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

(5) "Transient vendor"<sup>1</sup> means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, section 62-30-101(3). Note also that Tennessee Code Annotated, section 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, section 67-4-709(b).

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

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter.

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the town recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the town.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the

person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

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

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

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the town recorder, the town recorder shall submit to the chief of police a copy of the application form and the permit.

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

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

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

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

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

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

9-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

9-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his

possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

9-108. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the town recorder for any of the following causes:

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of commissioners. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of commissioners, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the town recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the town. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-110. Violation and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances.



## CHAPTER 2

FAIR HOUSING

## SECTION

- 9-201. Definitions.
- 9-202. Illegal acts.
- 9-203. Exceptions.
- 9-204. Other illegal acts.
- 9-205. Municipal actions to further purposes.
- 9-206. Filing of complaints.
- 9-207. Violations and penalties.
- 9-208. Other remedies.

9-201. Definitions. Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building.

(2) "Family" includes a single individual.

(3) "Persons" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trust, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (Ord. # 1986-1)

9-202. Illegal acts. Subject to the exceptions hereinafter set out it shall be unlawful for any person to do any of the following acts.

(1) To refuse to sell or rent after the making of a bona fide offer to do so or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, national origin, or sex.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, religion, national origin, or sex.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, or sex.

(4) To represent to any person because of race, color, religion, national origin, or sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, or sex. (Ord. # 1986-1)

9-203. Exceptions. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, or sex. (Ord. # 1986-1)

9-204. Other illegal acts. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing services, real estate brokers' organizations or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, religion, national origin, or sex. (Ord. # 1986-1)

9-205. Municipal actions to further purposes. The board of commissioners for the Town of Graysville is authorized and directed to undertake such educational and conciliatory activities as, in its judgment, will further the purposes of this chapter. It may call conferences of person in the housing industry and other interested parties to acquaint them with the provisions hereof and the committee's suggested means of implementing it. The town commission shall further endeavor, with the advise of knowledgeable professionals and other interested parties, to work out programs of voluntary compliance and on matters of enforcement. (Ord. # 1986-1)

9-206. Filing of complaints. Any person who claims to have been injured by an act made unlawful by this chapter, or who claims that he will be injured by such an act, can file a complaint with the board of commissioners for Graysville, Tennessee. A complaint shall be filed within 180 days after this alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the city attorney. Upon receipt of a complaint, the board of commissioners shall promptly investigate it and shall draw upon existing expertise in the housing industry and complete the investigation within 30 days. If a majority of the board of commissions find reasonable cause to believe that a violation of this chapter has occurred, or if a

person charged with a violation of this chapter refuses to furnish information to said board of commissioners, the board may request the city attorney to prosecute an action in the city court against the person charged in the complaint. Such request shall be in writing.

Upon receiving such written request and with the assistance of the aggrieved person and said board of commissioners, within fifteen (15) days after receiving such request, the city attorney shall be prepared to prosecute an action in the city court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (Ord. # 1986-1)

9-207. Violations and penalties. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not more than \$50.00 for each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. # 1986-1)

9-208. Other remedies. Nothing in this chapter requires any person claiming to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein; nor prevent any such person from seeking relief any time under the federal civil rights acts or other applicable legal provisions. (Ord. # 1986-1)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.
3. VICIOUS DOGS.
4. SERVICE ANIMALS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Definitions.
- 10-102. Supervision of animal shelter.
- 10-103. Trapping, hunting, and shooting birds prohibited: exceptions.
- 10-104. Registration of dogs and cats.
- 10-105. Animal waste.
- 10-106. Registration fee for kennels.
- 10-107. Confinement of animals in heat.
- 10-108. Animals kept off the owner's property, prohibited.
- 10-109. Animals at large prohibited.
- 10-110. Impoundment of animals running at large.
- 10-111. Impounding fees.
- 10-112. Failure to reclaim animal at large.
- 10-113. Authority to destroy animals at large.
- 10-114. Possession of wild animals, prohibited.
- 10-115. Condition for sales of certain animals.
- 10-116. Cruelty to animals prohibited.
- 10-117. Improper care of animals prohibited.
- 10-118. Animal creating a nuisance.
- 10-119. Abandonment.
- 10-120. Poisoning.
- 10-121. Noisy animals prohibited.
- 10-122. Animal on school grounds.
- 10-123. Interference with officers, violation of orders.
- 10-124. Authority to trap.
- 10-125. Citation procedure for violations of this chapter.
- 10-126. Failure to obey animal control citation.
- 10-127. Acceptance of guilty pleas and penalties for animal control violations.
- 10-128. Collection and disposition of fees.
- 10-129. Penalties.

10-130. Severability.

10-131. Right of entry.

10-101. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter unless it is apparent from the context that a different meaning is intended:

(1) "Animal." The term "animal" means and includes all living non-human creatures, domestic or wild, including livestock.

(2) "Animal control officer." The term "animal control officer" means any officer of the Graysville Police Department, Division of Animal Control.

(3) "At large." The term "at large" means off the premises of the owner and not under restraint.

(4) "Attack." The term "attack" means an unprovoked attack in an aggressive manner on a human in which the victim suffers a physical injury; or on a domestic animal that causes death or injury that requires veterinary treatment.

(5) "Chief of police." The term "chief of police" means the Chief of the Police for the Town of Graysville.

(6) "Confined." The term "confined" means securely confined indoors; within an automobile or other vehicle solely for transportation and transported in a humane manner; or confined in a securely enclosed and locked pen, structure, or fence, including electronic or similar fencing, sufficient to confine an animal in heat or a vicious dog.

(7) "Cruelty." The term "cruelty" means any act or omission of care that inflicts unnecessary physical pain or suffering on an animal that results in the death of an animal, including, but not limited to, the following:

(a) Striking, beating, kicking, dragging, choking, or the use of an object or weapon to inflict pain upon or to injure an animal;

(b) Use of caustic, flammable, boiling or heated substances on an animal;

(c) Suffocation or drowning of an animal;

(d) Transport or confinement of an animal in an inhumane manner;

(e) Torture, maiming, or mutilation of an animal;

(f) Overworking, overdriving or driving an animal when overloaded;

(g) Shooting a firearm or other missile-projecting weapon at an animal; wounding, capturing; or in any other manner molesting, injuring or killing an animal;

(h) Inflicting burns, cuts, or lacerations on an animal by any method;

(i) Failure to provide health related care or grooming of an animal;

(j) Causing an animal, except livestock, to drag any heavy object, including but not limited to, cinder blocks, heavy weights, bricks, chains, or logs; or carrying any other object with the purpose of building up the strength or endurance of an animal; or

(k) Any other act which causes harm or injury to an animal. In the case of activities where physical pain is necessarily caused, such as medical, research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" means a failure to employ the most humane method reasonably available.

(8) "Division of animal control." The term "division of animal control" means the Graysville Police Department, Division of Animal Control.

(9) "Fowl." The term "fowl" means any wild or domesticated bird.

(10) "Guard or attack dog." The term "guard dog" or "attack dog" means a dog trained to attack on command or to protect persons or property, by attacking or threatening to attack, and who will cease to attack upon command.

(11) "Impoundment." The term "impoundment" means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

(12) "Kennel." The term "kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, puppies, cats or kittens or any other animal typically kept on such premises.

(13) "Livestock." The term "livestock" means all farm animals, including but not limited to cattle, horses, pigs, fowl, sheep, goats, and mules.

(14) "Muzzle." The term "muzzle" means a device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or animal. Such device shall not interfere with the animal's ability to breathe.

(15) "Owner." The term "owner" means any person having a right of property in an animal, or who keeps or harbors an animal or who has it in his or her care, or acts as its custodian or who permits an animal to remain on or about the person's premises. If an animal has more than one (1) owner, all owners are jointly and severally liable for the acts or omissions of an owner.

(16) "Pig." The term "pig" means any type of pig, hog, or swine including, but not limited to, pot-bellied pigs.

(17) "Quarantine." The term "quarantine" means the humane confinement of an animal for the observation of symptoms for rabies, or other disease, in a secure enclosure that prevents the animal from coming into unplanned contact with any other animal or human being.

(18) "Restraint." (a) For all animals, the term "restraint" means on the premises of the owner or, if off the premises, secured by leash or lead under the control of a person physically capable of restraining the animal and obedient to that person's commands.

(b) A dog may be exclusively restrained by a chain or tether provided that it is at least ten feet (10') in length, with swivels on both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet (10') in length and mounted at least four feet (4') and no more than seven feet (7') about ground level in a manner so as not to interfere or become entangled with objects on the property.

(c) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(d) No chain or tether shall weigh more than one-eighth (1/8) of the dog or puppy's body weight.

(e) Any chain or tether must be attached to a properly fitting collar or harness worn by the dog or puppy.

(19) "Severe attack." The term "severe attack" means an unprovoked attack upon a human being in which the victim suffers a severe bite or is shaken violently, and which causes serious physical trauma, morbidity, or death.

(20) "Town recorder." The term "town recorder" means the Town Recorder for the Town of Graysville or her authorized designee.

(21) "Wild animal." The term "wild animal" means any live monkey, non-human primate, raccoon, skunk, deer, wildcat, possum, fox, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), livestock, rodents, reptiles, snakes, and captive bred species of common cage bird. (as replaced by Ord. #2009-06, Sept. 2009)

10-102. Supervision of animal shelter. The town animal shelter shall be under the supervision of the town recorder. (as replaced by Ord. #2009-06, Sept. 2009)

10-103. Trapping, hunting, and shooting birds prohibited: exceptions. It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot birds or wildfowl or to rob nests thereof, except starlings, English sparrows, and pigeons congregating in the town may be destroyed at the direction of the town recorder. Further, the town recorder may authorize the hunting of doves during the legally sanctioned season as designated by the Tennessee Wildlife Resource Agency, provided all requirements for lawfully hunting in the State of Tennessee are met. (as replaced by Ord. #2009-06, Sept. 2009)

10-104. Registration of dogs and cats. (1) All residents owning, keeping, or harboring any dog or cat over three (3) months of age or any other animal which must be vaccinated for rabies, shall pay to the town through the police department a yearly registration fee of five dollars (\$5.00) for each spayed or neutered dog or cat or other animal which must be vaccinated for rabies and ten

dollars (\$10.00) for each non-spayed or unaltered dog or cat or other animal which must be vaccinated for rabies.

(2) Upon receipt of the registration fee required by subsection (1) and the exhibition of an unexpired certificate of rabies vaccination, an animal control officer shall issue a registration certificate to the owner of the animal, giving the owner's name, date issued, amount paid, description, name, age and sex of the animal, the registration tag number issued and the date the animal was vaccinated.

(3) At the time a registration certificate is issued under subsection (2), an animal control officer shall also deliver a registration tag bearing the serial number of the registration certificate and the year in which it was delivered. The shape and/or color of the tag shall be changed every year and it shall be the duty of every owner to provide each registered animal with a collar or harness to which the registration tag must be affixed and such owner shall see that the collar or harness is constantly worn. If a registration tag is lost or destroyed, a replacement will be issued upon presentation of a receipt showing the payment of the fee, and payment of a one dollar (\$1.00) replacement tag fee.

(4) The registration tag is valid for a maximum period of twelve (12) months and will expire on the same date the rabies vaccination expires.

(5) It shall be unlawful for any person owning, keeping or harboring an animal within the town to fail to register such animal as required by this section.

(6) It shall be unlawful to transfer or place a registration tag onto any animal for which the tag was not issued.

(7) Animals within the town limits for thirty (30) days or less are not required to be registered.

(8) Persons newly residing within the town limits have thirty (30) days in which to comply with this section. (as replaced by Ord. #2009-06, Sept. 2009)

10-105. Animal waste. The owner of any animal shall remove any excreta deposited by their animal on public walks, recreation areas, public streets or private property other than the premises of the owner of the animal, except where attendants are employed for the purpose of removing the deposits, such as would be the case in a horse show arena, parade or other such event or establishment. (as replaced by Ord. #2009-06, Sept. 2009)

10-106. Registration fee for kennels. Persons operating a kennel where dogs are bred for sale or animal rescue groups who have a current 501(c) status will shall not be required to pay the registration fee required by § 10-104, but in lieu thereof shall pay, on or before the first day of May of each year, or upon the operating of such kennel, a registration fee as a kennel operator. These fees are annual fees and shall be as follows:

(1) Less than ten (10) animals, twenty dollars (\$20.00).

(2) Between ten (10) and twenty (20) animals, thirty dollars (\$30.00).



(3) More than twenty (20) animals, forty dollars (\$40.00).

At no time shall the number of dogs in the kennel exceed the number covered by registration fee. (as replaced by Ord. #2009-06, Sept. 2009)

10-107. Confinement of animals in heat. Every female animal in heat shall be confined for a period of twenty-four (24) days in such a manner that such animal cannot come into contact with another animal, except for planned breeding. While exercised, the animal shall be properly leashed. (as replaced by Ord. #2009-06, Sept. 2009)

10-108. Animals kept off the owner's property, prohibited. (1) No animal, except livestock, shall be kept on a vacant lot or area that is not adjacent to the owner's property.

(2) An animal may be kept on the premises of the owner's business as protection while the business is closed, provided the owner complies with all applicable sections of this chapter. (as added by Ord. #2009-06, Sept. 2009)

10-109. Animals at large prohibited. No animal, whether registered or not, shall be allowed to run at large or upon the premises of one other than the owner unless secured by a leash or lead. (as added by Ord. #2009-06, Sept. 2009)

10-110. Impoundment of animals running at large. (1) It shall be the duty of any authorized officer to apprehend and impound in an animal shelter any animal found running at large.

(2) An animal wearing a valid town tag shall be held for a period of fifteen (15) working days from the date of apprehension. Untagged, unregistered animals shall be held for a period of fifteen (15) working days. "Working days" are defined as days the animal shelter is open. All animals entered into the shelter will be held for five (5) working days and after the five (5) days animals will be placed on the adoption register.

(3) Any animal not claimed within the times provided in the subsection (2) may be destroyed.

(4) The record of the owner, and not the particular animal, for one (1) year prior to the date of the current violation, shall be considered when calculation the number of offenses committed.

(5) Any unaltered animal that has been impounded three (3) times within any twelve (12) month period shall be spayed or neutered within thirty (30) days of release from the shelter. The owner must show proof of the procedure to the division of animal control.

(6) In lieu of apprehending and impounding an animal found at large, the animal control officer, upon determining the owner, may return the animal to the owner and issue a citation requiring the owner to appear in town court for

determination of whether there has been a violation within the meaning of § 10-110.

(7) No animal shall be released from impoundment unless and until it has been registered and a tag placed on its collar. (as added by Ord. #2009-06, Sept. 2009)

10-111. Impounding fees. Impoundment fees are fees set by the Town of Graysville and are for the purpose of deferring cost(s) associated with impounding an animal. Impoundment fees are in addition to any shelter fees collected by the detaining authority after an animal has been turned over for harboring. The impoundment fees are as follows:

- (1) Registered animal wearing a valid tag:
  - (a) Warning for the first offense;
  - (b) Twenty dollars (\$20.00) for the second offense;
  - (c) Thirty dollars (\$30.00) for the third offense;
  - (d) Fifty dollars (\$50.00) for the fourth offense plus an additional fifty dollars (\$50.00) for every subsequent offense.
- (2) Unregistered animal or registered animal not wearing a valid tag:
  - (a) Warning for the first offense;
  - (b) Thirty dollars (\$30.00) for the second offense;
  - (c) Forty dollars (\$40.00) for the third offense;
  - (d) Fifty dollars (\$50.00) for the fourth offense plus an additional fifty dollars (\$50.00) for every subsequent offense.
- (3) The impoundment of an animal under this section shall be in addition to, and shall not relieve the owner thereof from prosecution for, permitting such animal to run at large in violation of § 10-110. (as added by Ord. #2009-06, Sept. 2009)

10-112. Failure to reclaim animal at large. Any owner who has been notified that his or her animal has been impounded and who refuses to pay the impound fee set forth in § 10-112 shall be subject to a penalty for failure to reclaim the animal. In determining the number of prior failures to reclaim, the entire record of the owner with regard to every animal owned will be considered. The penalty shall be as follows:

- (1) First failure to reclaim, thirty dollars (\$30.00);
- (2) Second failure to reclaim, forty dollars (\$40.00);
- (3) Third and subsequent failures to reclaim, fifty dollars (\$50.00). (as added by Ord. #2009-06, Sept. 2009)

10-113. Authority to destroy animals at large. If any animal found at large in violation of this chapter cannot be safely taken and impounded, and either poses a threat to a person or the public or is seriously injured, such animal may be destroyed by any police officer or animal control officer. Nothing in this section shall be construed to prevent a police officer or animal control

officer from destroying an animal in self-defense. (as added by Ord. #2009-06, Sept. 2009)

10-114. Possession of wild animals, prohibited. It is unlawful for any person to own or possess a wild animal within the town limits. (as added by Ord. #2009-06, Sept. 2009)

10-115. Condition for sales of certain animals. No person shall sell, offer for sale or give away any dog or cat less than six (6) weeks of age. (as added by Ord. #2009-06, Sept. 2009)

10-116. Cruelty to animals prohibited. (1) It shall be unlawful for any person to maliciously or willfully strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering, or death to an animal, or to do anything defined in § 10-101 under "cruelty."

(2) It shall be unlawful to color, dye, stain, or otherwise alter the natural color of any animal.

(3) Any person convicted of cruelty to animals shall be subject to a penalty of not less than fifty dollars (\$50.00).

(4) Nothing in this section prevents a person from using reasonable force to drive away a vicious or trespassing animal or to take any action necessary to avoid injury to a person. (as added by Ord. #2009-06, Sept. 2009)

10-117. Improper care of animals prohibited. No person owning or keeping an animal shall fail to provide it with "minimum care," as defined in this section, nor shall such person keep an animal under unsanitary conditions or in an enclosure that is overcrowded, unclean, or unhealthy.

(1) Except for emergencies or circumstances beyond the owner's control, an animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well being of the animal considering the species, breed and type of animal. Minimum care includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity, quality and nutrition to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice shall not constitute adequate water source. Fowl shall at all times be provided with receptacles kept constantly filled with water.

(c) Access to a barn, doghouse, or other shelter sufficient to protect the animal from the elements.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(2) An enclosure is overcrowded unless its area is at least the square of the length of the animal in inches (from tip of nose to base of tail) plus six inches (6") for each animal confined therein, and the height must allow for each animal to fully stand upright.

(3) An enclosure is unclean when it contains an excessive amount of animal waste.

(4) An enclosure is unhealthy when its condition is likely to cause illness or injury to the animal. (as added by Ord. #2009-06, Sept. 2009)

10-118. Animal creating a nuisance. (1) Every person responsible for an animal shall keep it from creating a nuisance.

(2) An animal creates a nuisance if it:

(a) Habitually and repeatedly makes noises sufficient to interfere with neighboring residents' reasonable use and enjoyment of their property.

(b) Is offensive to others due to an odor caused by the animal.

(c) Repeatedly turns over or rummages through refuse containers, damages flower or vegetable gardens, or causes damage to public property or property of others.

(d) Without provocation, chases or approaches a pedestrian, bicycle rider or vehicle in a menacing fashion or apparent attitude of attack.

(e) Without provocation, attacks or bites a person or other animal.

(f) Impedes refuse collection, mail delivery, meter reading or other public service activities.

(g) Trespasses on property not owned, leased or rented by the person responsible for the animal.

(h) Is maintained in a manner that is dangerous to the health, safety or welfare of the community. (as added by Ord. #2009-06, Sept. 2009)

10-119. Abandonment. It shall be unlawful for any person to abandon an animal that is under the person's ownership or care. If an animal is found abandoned, the animal may be impounded. Abandonment consists of:

(1) Leaving an animal for a period in excess of twenty-four (24) hours without providing for someone to feed, water and check on the animal's condition;

(2) Leaving an animal by a roadside or other area; or

(3) Leaving an animal on either public or private property without the property owner's consent.

Any person convicted of violation of this section shall be subject to a penalty of not less than fifty dollars (\$50.00). Each animal abandoned is a separate violation. (as added by Ord. #2009-06, Sept. 2009)

10-120. Poisoning. It shall be unlawful for any person, other than a licensed veterinarian; a person under the direction of a veterinarian or an animal control officer certificated/licensed to euthanize for humanitarian purposes:

- (1) Administer poison to any animal(s);
- (2) Distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any animal; or
- (3) Knowingly leave a poisonous substance of any kind or ground glass in any place with the intent to injure an animal or in any location where it may be readily found and eaten by an animal.

The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or to persons using commercial insecticides and rodent baits to control insects and wild rodents. This section is also inapplicable to any measures taken under § 10-104 by the town recorder. (as added by Ord. #2009-06, Sept. 2009)

10-121. Noisy animals prohibited. (1) No person owning or keeping any animal shall fail to prevent such animal from disturbing the peace of any other person by loud and persistent or loud and habitual barking, yelping, howling, braying, whinnying, crowing, calling or making any other noise, whether the animal is on or off the owner's premises.

(2) No person shall be charged with violating this section unless a written warning was given to the owner within the twelve (12) months preceding the alleged date of violation. A warning is given if personally given to the owner or mailed first class to the owner.

(3) No person shall be convicted of violating this section unless two (2) residences testify to the noise, or unless there is other evidence corroborating the testimony of a single witness. (as added by Ord. #2009-06, Sept. 2009)

10-122. Animal on school grounds. It shall be unlawful for any owner, or any other person having an animal under his or her care or control to take, allow, or let such animal upon the grounds, property, or premises of any public school located inside the town limits of Graysville unless such person shall first have obtained written permission from the director of schools or the director's designee. This section is not applicable to any law enforcement animal, medical services animal or service animal. (as added by Ord. #2009-06, Sept. 2009)

10-123. Interference with officers, violation of orders. It shall be unlawful for any person to interfere with or hinder any animal control officer or any police officer while such officer(s) are in the performance of their duties prescribed in accordance with chapter 10. It shall further be unlawful for any person to violate any orders issued by an animal control officer or police officer regarding the seizure, impoundment or confinement of an animal as provided herein. (as added by Ord. #2009-06, Sept. 2009)

10-124. Authority to trap. It shall be the duty of any animal control officer to set traps for the purpose of carrying out the sections of chapter 10. Further it shall be unlawful for any person to interfere with an animal control officer while carrying out their duties related to this chapter including: moving, throwing, springing, releasing animals caught in traps or otherwise interfering with traps set by animal control officers. (as added by Ord. #2009-06, Sept. 2009)

10-125. Citation procedure for violations of this chapter. Whenever an animal control officer determines there has been a violation of any of the provisions in this chapter, the animal control officer shall prepare a written notice to appear in town court containing the name and address of such person, the offense charged, and the time when such person shall appear in town court. The time specified for appearance shall not be less than five (5) days from the date of the issuance to appear, unless the person cited agrees to a shorter time period. If the person so demands, the appearance in court shall be the first session of court following the citation. The cited person shall sign one (1) copy of the notice to appear. Signing the notice shall constitute the cited person's promise to appear on the date specified in the notice. One (1) copy of the notice shall be delivered to the cited person. (as added by Ord. #2009-06, Sept. 2009)

10-126. Failure to obey animal control citation. No person shall violate his or her written promise to appear provided for in § 10-127, regardless of the disposition of the charge for which the citation was originally issued. Failure to appear is a separate charge from the original citation and carries a fine of fifty dollars (\$50.00). (as added by Ord. #2009-06, Sept. 2009)

10-127. Acceptance of guilty pleas and penalties for animal control violations. The town court clerk is hereby authorized to accept pleas of guilty for violations of this chapter, to accept designated penalties in connection with such pleas, to issue receipts therefore, and to appear for such person in court for the purpose of entering pleas of guilty, all in accordance with such procedures as may be established by the judge of the town court. Such penalties shall be accepted upon the entry of any plea of guilty before the court clerk. The amount of such penalty to be accepted shall be so designated by rule of court promulgated by the judge of the town court; provided that no such penalty may be accepted for a sum less than the minimum penalty imposed by any section of this chapter for such offense. Any person given a citation for a violation of any provision of this chapter may post the penalty appropriate thereto, and notify the clerk of the town court that he or she will not appear for trial in which case the matter may be entered on the docket for trial. Court costs as set forth by the town will be collected in addition to any penalties on all citations issued under chapter 10. (as added by Ord. #2009-06, Sept. 2009)

10-128. Collection and disposition of fees. All fees required by this chapter shall be collected as required and shall be deposited as required by law. (as added by Ord. #2009-06, Sept. 2009)

10-129. Penalties. Any person violating any provision of this chapter, unless the penalty is specified in the section, shall be punished by a penalty not to exceed fifty dollars (\$50.00). Each day a violation exists shall be deemed a separate violation. (as added by Ord. #2009-06, Sept. 2009)

10-130. Severability. If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this chapter. (as added by Ord. #2009-06, Sept. 2009)

10-131. Right of entry. (1) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter or other applicable law, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, any animal control or police officer is hereby empowered to enter such property at any reasonable time and to inspect the property and perform any duty imposed by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search warrant is obtained, as follows.

(a) If such property is occupied, the animal control officer or police officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor;

(b) If such property is unoccupied, the animal control officer or police officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor;

(c) If such entry is refused or cannot be obtained because the owner or other person having charge or control or police officer shall obtain a warrant to conduct a search of the property.

(2) Notwithstanding any other provision of this chapter, any animal control or police officer shall have the authority to enter upon any property to enforce the provisions of this chapter if a violation of such law is being committed in the presence of officer. (as added by Ord. #2009-06, Sept. 2009)

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Vaccination of animals.
- 10-202. Apprehension and disposition of rabid animals and suspects.
- 10-203. Quarantine of animals inflicting, or suspected of inflicting, a bite or suspected of being rabid.
- 10-204. Quarantine of animals in contact with rabid animal.
- 10-205. Report required when person is bitten by an animal.
- 10-206. Veterinarians to report result of examination of animal that has bitten a person.
- 10-207. Forwarding of head to state health department.
- 10-208. Surrender and examination of carcasses of animals.
- 10-209. [Deleted.]
- 10-210. [Deleted.]
- 10-211. [Deleted.]
- 10-212. [Deleted.]

10-201. Vaccination of animals. (1) It shall be unlawful for any person to own, keep, or harbor any dog or cat or other animal that requires vaccination for rabies which has not been vaccinated against rabies as required by state law.

(2) Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be re-vaccinated, description and sex of the animal vaccinated, type and lot number of the vaccine administered and the license number of the veterinary clinic administering the vaccine.

(3) All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee. (as replaced by Ord. #2009-06, Sept. 2009)

10-202. Apprehension and disposition of rabid animals and suspects. Any animal capable of being infected with rabies, which is rabid or believed to be rabid, shall be immediately reported to the police department. Such animal shall be taken up and impounded if this can be accomplished with safety. If it is necessary for the town to destroy the animal to prevent further biting or for the safety of the community, every effort shall be made to avoid damage to the brain. (as amended by Ord. #2000-2, July 2000, and replaced by Ord. #2009-06, Sept. 2009)

10-203. Quarantine of animals inflicting, or suspected of inflicting, a bite or suspected of being rabid. (1) Any animal that is suspected of or has bitten



a human being, or is suspected of being infected with rabies, shall be quarantined at a facility designated by the Town of Graysville no less than ten (10) days from the time the bite or scratch occurred. The owner shall be responsible for all quarantine fees and costs.

(2) No animal that is suspected of or has bitten a human being or is suspected of being infected by rabies shall be killed or destroyed or removed from the town unless authorized by the Town of Graysville.

(3) Only animals that appear to be without rabies shall be released from quarantine or impoundment.

(4) No person shall hide, kill, conceal or aid or assist in hiding, killing, or concealing any animal suspected of being infected with rabies or permit the same to be removed from the town for the purpose of preventing the quarantine. (as amended by Ord. #2000-2, July 2000, and replaced by Ord. #2009-06, Sept. 2009)

10-204. Quarantine of animals in contact with rabid animal. All animals capable of being infected with rabies that have come in contact with a rabid animal shall be quarantined and vaccinated as follows:

(1) If no vaccination for rabies has been given within the previous twelve (12) months, the animal shall be vaccinated and quarantined for ninety (90) days.

(2) If the animal has been vaccinated for rabies within the previous twelve (12) months, the animal shall be revaccinated and quarantined for thirty (30) days. (as replaced by Ord. #2009-06, Sept. 2009)

10-205. Report required when person is bitten by an animal. Whenever a person is bitten by an animal capable of being infected with rabies, prompt report of such bite shall be made to the police department. Such report shall be made by any physician attending the person bitten or, if such person is at a hospital, the report shall be made by the person in charge. Such report shall contain all information required by the division of animal control. When a physician was not consulted or the person not taken to a hospital, the report shall be made by the person bitten or any other person with knowledge of the facts. (as replaced by Ord. #2009-06, Sept. 2009)

10-206. Veterinarians to report result of examination of animal that has bitten a person. Whenever a veterinarian is called upon to examine an animal capable of transmitting rabies that has bitten a person, the veterinarian shall promptly report the results of the examination of the division of animal control. (as replaced by Ord. #2009-06, Sept. 2009)

10-207. Forwarding of head to state health department. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under quarantine, the division of

animal control shall send the head of such animal to the state health department for pathological examination. (as amended by Ord. #2000-2, July 2000, and replaced by Ord. #2009-06, Sept. 2009)

10-208. Surrender and examination of carcasses of animals. The carcass of any dead animal found within the town shall, upon demand, be surrendered to the division of animal control for examination if, in the opinion of an animal control officer, such examination is necessary or advisable. (Ord. # 1985-1, modified, as amended by Ord. #2000-2, July 2000, and replaced by Ord. #2009-06, Sept. 2009)

10-209. [Deleted.] (as deleted by Ord. #2009-06, Sept. 2009)

10-210. [Deleted.] (as added by Ord. #2000-2, July 2000, and deleted by Ord. #2009-06, Sept. 2009)

10-211. [Deleted.] (as added by Ord. #2000-2, July 2000, and deleted by Ord. #2009-06, Sept. 2009)

10-212. [Deleted.] (as added by Ord. #2000-2, July 2000, and deleted by Ord. #2009-06, Sept. 2009)

## CHAPTER 3

### VICIOUS DOGS

#### SECTION

10-301. Definition.

10-302. Vicious dog prohibited.

10-303. Requirements for keeping a vicious dog.

10-304. Impoundment.

10-305. Notice of impoundment.

10-306. Exceptions.

10-307. Change of status.

10-308. Change of ownership.

10-309. Guard dogs.

10-310. Dog fighting.

10-311. Penalties.

10-301. Definition. "Vicious dog" means: (1) Any dog with a known propensity, tendency, or disposition to attack without provocation, to cause serious injury, or to otherwise threaten the safety of human beings or domestic animals; or

(2) Any dog which, without provocation, has attacked or bitten a human being or domestic animal; or

(3) Any dog owned or harbored primarily or in part for the purpose of dog fighting. (as added by Ord. #2009-06, Sept. 2009)

10-302. Vicious dog prohibited. (1) It shall be unlawful for any person to keep or harbor a vicious dog within the corporate town limits of the Town of Graysville unless said vicious dog is confined. Dogs maintained as guard dogs in compliance with the provisions of § 10-309 hereof shall be excluded from the provisions of this section.

(2) If any vicious dog is impounded, any authorized officer any institute proceedings in the Town of Graysville Municipal Court against the owner charging the owner with violation of this chapter. Nothing in this section shall be construed as preventing appropriate authorities of the Town of Graysville complaining citizen from instituting a proceeding in the Town of Graysville Municipal Court for violation of this chapter where there has been no impoundment.

(3) If a complaint has been filed in the Town of Graysville Municipal Court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court, payment of all charges and cost under this chapter, including penalties for violation this chapter.

Nothing in this section shall be construed to require a dog to be declared vicious prior to taking action under state law. (as added by Ord. #2009-06, Sept. 2009)

10-303. Requirements for keeping a vicious dog. (1) All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The pen or structure shall have minimum dimensions of five feet (5') in width and length by ten feet (10') in height and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet (2'). All pens or structures must be kept clean and sanitary. The enclosure must provide shelter and protection from the elements and must provide adequate exercise room, light and ventilation. For purposes of this section, an underground fence system is insufficient confinement. Under no circumstances may more than one (1) vicious dog be kept in any one (1) pen or structure.

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

(3) Number of vicious dogs per residence. Only one (1) vicious dog may be owned per residence.

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

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

(6) Insurance. The owner of a vicious dog shall obtain public liability insurance of at least one hundred thousand dollars (\$100,000.00) per dog, insuring the owner for any damage or personal injury that may be caused by his vicious dog. The policy shall contain a provision requiring the town to be notified immediately by the agent issuing the policy in the event that the policy is canceled, terminated or expired. The owner must provide proof of the insurance

to the division of animal control. If there is a lapse in insurance or a cancellation, the owner shall be in violation of this chapter. (as added by Ord. #2009-06, Sept. 2009)

10-304. Impoundment. When a dog has severely attacked a human being or domestic animal and a police officer or animal control officer witnessed the attack or witnessed the injuries caused by the attack, or when a police officer or animal control officer witnesses any dog with a known propensity, tendency, or disposition to attack without provocation, to cause serious injury, showing those tendencies, or any dog owned or harbored primarily or in part for the purpose of dog fighting, such dog shall be immediately impounded. (as added by Ord. #2009-06, Sept. 2009)

10-305. Notice of impoundment. Within five (5) days of impoundment of a dog under § 10-304, the division of animal control shall notify the dog's owner, if known, in writing of the impoundment. (as added by Ord. #2009-06, Sept. 2009)

10-306. Exceptions. (1) This section shall not apply to any dog used by the police department or law enforcement agencies.

(2) No dog shall be considered vicious solely based on injury or damage sustained by a person who was entering the owner's property to commit burglary, robbery, assault, willful trespass or other tort or crime.

(3) No dog shall be considered vicious solely based on injury or damage sustained by a person who was teasing, tormenting, abusing, assaulting, or otherwise provoking the dog.

(4) No dog shall be considered vicious solely because it bites or attacks:

(a) A person assaulting its owner, excluding a police officer attempting to subdue or effect the arrest of a suspect; or

(b) An unrestrained animal that attacks it or its young while it is restrained in compliance with this chapter. (as added by Ord. #2009-06, Sept. 2009)

10-307. Change of status. The owner of a vicious dog shall notify the division of animal control:

(1) Immediately if the vicious dog is unconfined and on the loose, or has attacked a human being or domestic animal without provocation;

(2) If the owner has moved outside of the town limits and shall give the owner's address; or

(3) If the dog has died. (as added by Ord. #2009-06, Sept. 2009)

10-308. Change of ownership. (1) If the owner of a vicious dog sells, gives away, or otherwise transfers custody of the vicious dog, the owner shall,

within three (3) days, provide the division of animal control with the name, address, and telephone number of the new owner.

(2) The previous owner shall notify the new owner of the dog's designation as a vicious dog and, if the new owner resides within the town limits, of the requirements and conditions for keeping a vicious dog set forth in § 10-303.

(3) If the new owner resides within the town limits, the new owner must obtain the required enclosure prior to the acquisition of the vicious dog or confine the dog indoors.

(4) The new owner must fully comply with the provisions of this section, including obtaining liability insurance, prior to the acquisition of the vicious dog. (as added by Ord. #2009-06, Sept. 2009)

10-309. Guard dogs. It shall be unlawful for any person to place or maintain guard dogs within the town limits of the Town of Graysville for the protection of persons or property unless:

(1) The guard dog shall either be:

(a) Confined; or

(b) Under the absolute control of a handler at all times when not confined; and

(2) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day. (as added by Ord. #2009-06, Sept. 2009)

10-310. Dog fighting. (1) No person shall possess, harbor, or maintain card or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals.

(2) No person shall permit a dog fight to take place upon their premises or premises within their control.

(3) No person shall knowingly be a spectator at a dog fight.

(4) Any dog found on the premises of the dog fight or in the immediate vicinity shall be impounded.

(5) A conviction under this section shall not relieve a person from prosecution for cruelty to animals under § 10-118. (as added by Ord. #2009-06, Sept. 2009)

10-311. Penalties. Any person in violation the provisions of § 10-303, upon conviction, shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. Further, any violations of § 10-303 will

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subject the person to penalties under § 10-304. (as added by Ord. #2009-06, Sept. 2009)

## CHAPTER 4

### SERVICE ANIMALS

#### SECTION

#### 10-401. Defined.

10-401. Defined. Nothing in this title shall be construed to restrict the use of service animals. The term "service animals" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability as defined by the Americans with Disabilities Act. (as added by Ord. #2009-06, Sept. 2009)



## TITLE 11

MUNICIPAL OFFENSES<sup>1</sup>

## CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
2. OFFENSES INVOLVING ALCOHOL.
3. OFFENSES AGAINST ADMINISTRATION OF GOVERNMENT.
4. OFFENSES AGAINST PROPERTY.
5. OFFENSES AGAINST THE PEACE AND QUIET.
6. OFFENSES AGAINST PUBLIC HEALTH, SAFETY OR WELFARE.
7. CURFEW FOR MINORS.

## CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

## SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted.<sup>2</sup> 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 town also. Any violation of any such law within the corporate limits is also a violation of this section.

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<sup>1</sup>Municipal code references

Animal control: title 10.

Housing and utilities: title 12.

Refusal to return fire equipment: title 7, sec. 7-108.

Traffic offenses: title 15.

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

<sup>2</sup>State law reference

For the definition of "misdemeanor," see Tennessee Code Annotated, sections 39-11-110 and 39-11-111.

## CHAPTER 2

OFFENSES INVOLVING ALCOHOL<sup>1</sup>

## SECTION

11-201. Drinking alcoholic beverages in public, etc.

11-202. Minors in beer places.

11-201. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place.

11-202. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around any place where beer is sold at retail for on premises consumption.

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<sup>1</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

## CHAPTER 3

OFFENSES AGAINST ADMINISTRATION OF GOVERNMENT

## SECTION

11-301. Escape from custody or confinement.

11-302. Impersonating a government officer or employee.

11-303. False emergency alarms.

11-301. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town 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.

11-302. Impersonating a government officer or employee. No person other than an official police officer of the town 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 town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee.

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

## CHAPTER 4

OFFENSES AGAINST PROPERTY

## SECTION

11-401. Trespassing.

11-402. Malicious mischief.

11-403. Interference with traffic.

11-401. Trespassing.<sup>1</sup> (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public.

It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>2</sup>

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<sup>1</sup>State law reference

Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, section 39-14-405, et seq.

<sup>2</sup>Municipal code reference

Provisions governing peddlers and solicitors, etc.: title 9, chapter 2.

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

11-403. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

## CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

## SECTION

11-501. Disturbing the peace.

11-502. Anti-noise regulations.

11-501. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

11-502. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

(e) Use of vehicle. The use of any automobile, motorcycle, 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 town 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) Town vehicles. Any vehicle of the town 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 town, 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 board of commissioners. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.



## CHAPTER 6

OFFENSES AGAINST PUBLIC HEALTH, SAFETY OR WELFARE

## SECTION

- 11-601. Throwing missiles.
- 11-602. Discharge of firearms.
- 11-603. Gambling.
- 11-604. Abandoned refrigerators, etc.
- 11-605. Caves, wells, cisterns, etc.
- 11-606. Posting notices, etc.

11-601. 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.

11-602. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits.

11-603. Gambling. (1) Gambling prohibited. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing.

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

11-604. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child.

11-605. 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.

11-606. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so.

## CHAPTER 7

### CURFEW FOR MINORS

#### SECTION

11-701. Curfew for minors.

11-702. Daytime curfew for students.

11-703. Curfew for students suspended or expelled from school.

11-701. Curfew for minors. (1) It shall be unlawful for any person under the age of eighteen (18) years to be abroad at night between the hours of 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having custody of such minor. (as added by Ord. #1999-10, Oct. 1999)

11-702. Daytime curfew for students. (1) The Town of Graysville hereby adopts the provision of the Child Curfew Act of 1995 as amended and any future amendments as codified in Tennessee Code Annotated, § 39-17-1701, et seq.

(2) Definitions. (a) "Expulsion" means a removal from attendance at an elementary, middle or high school by a school official or officials for more than ten (10) consecutive days or more than fifteen (15) total days in a given month during the school year.

(b) "Suspension" means a dismissal from attendance at an elementary, middle or high school by a school official or officials for any reason not exceeding ten (10) consecutive days. (as added by Ord. #2009-05, Sept. 2009)

11-703. Curfew for students suspended or expelled from school. It shall be unlawful for any person seventeen (17) years of age or less (under eighteen (18)) that has been suspended or expelled from school to be in or remain in or on a public place or a private place without consent of the property owner, lessee or a person of apparent authority acting on behalf of the lessee or owner in the Town of Graysville, Tennessee during the period beginning at 7:30 A.M. and ending at 3:00 P.M. Monday through Friday when school is in session (September 1 through May 31). No child shall be taken in custody for violation of this section without an investigation with the proper school official or officials has been made to determine if the child is suspended or expelled and the termination of suspension or expulsion period had been determined. (as added by Ord. #2009-05, Sept. 2009)

TITLE 12

BUILDING, UTILITY, ETC. CODES<sup>1</sup>

CHAPTER

1. CODES ADOPTED.

CHAPTER 1

CODES ADOPTED

SECTION

12-101. Codes adopted.

12-102. Modifications.

12-103. Available in recorder's office.

12-104. Violations and penalty.

12-101. Codes adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the ICC International Building Code, International Plumbing Code, International Gas Code, International Mechanical Code<sup>2</sup> and the NFPA National Electrical Code,<sup>3</sup> each being a 2006 edition, as prepared and adopted by the International Code Council and the NFPA, are hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the building codes. (as added by Ord. #2009-01, March 2009)

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<sup>1</sup>Municipal code reference

For dealing with dangerous buildings: title 13, chapter 3.

Fair housing: title 9, chapter 3.

Building permit required: title 14, chapter 4.

<sup>2</sup>Copies of the building code, plumbing code, gas code and mechanical code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

<sup>3</sup>Copies of the electrical code (and any amendments) are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02264-6101.

12-102. Modifications. (1) Definitions. Whenever in the building codes reference is made to the duties of a certain official named therein, that designated official of the Town of Graysville who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows:

(a) Value of \$1,000.00 and less no fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.

(b) Value of \$1,000.00-\$5,000.00; \$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00. For moving of any building or structure, the fee shall be \$100.00.

(c) Value of \$50,000.00-\$100,000.00; \$460.00 for the first \$100,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.

(d) Value of \$100,000.00-\$500,000.00; \$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.

(e) Value of \$500,000.00 and up \$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(f) For moving of mobile home(s), the fee shall be \$100.00 plus permit cost.

There will not be a fee for the demolition of any building or structures, installation of new siding to a residential structure or the reroofing of a residential structure.

Where work for which a permit is required by this code is started or proceeded 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. (as added by Ord. #2009-01, March 2009)

12-103. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Building Code, International Plumbing Code, International Gas Code, International Mechanical Code and National Electrical Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #2009-01, March 2009)

12-104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the International Building Code, International Plumbing Code, International Gas Code, International Mechanical Code and National Electrical Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of

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up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2009-01, March 2009)

## TITLE 13

PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.

13-101. Smoke, soot, cinders, etc. (1) It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business.

(2) Fires used for disposing of leave shall be permitted subject to the requirements of this section. (Ord. # 77-2, § 1)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (Ord. # 77-2, § 1)

13-103. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: section 16-107.

order by the town recorder to cut such vegetation when it has reached a height of over one (1) foot. (Ord. # 77-2, § 1)

13-104. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, section 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of commissioners to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of section 13-104 of the Graysville Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, section 6-54-113, and that the property of such owner may be cleaned-up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the town; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed

against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Rhea County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These cost shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the town recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(6) Judicial review. Any person aggrieved by an order or act of board of commissioners under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(7) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as replaced by Ord. #97-1, Feb. 1997)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the town recorder and dispose of such animal in such manner as the town recorder shall direct. (Ord. # 77-2, § 1)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become



or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (Ord. # 77-2, § 1)

13-107. Violations and penalty. Violations of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances except that violations of section 13-104 shall be handled in accordance with the provisions of that section.

## CHAPTER 2

JUNKYARDS

## SECTION

## 13-201. Junkyards.

13-201. Junkyards.<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

(4) No other junkyards shall be allowed to commence operations within the corporate limits of this municipality as of the date of adoption of this chapter.

(5) Existing junkyards within the corporate limits as of the date of adoption of this chapter<sup>2</sup> shall have 90 days from this date to comply with these regulations or remove all junk cars, trucks, or other junk items from their premises and from within the municipality. (Ord. # 77-2, § 1)

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<sup>1</sup>State law reference

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

<sup>2</sup>This chapter was taken from Ord. # 77-2 which was adopted in 1977.

## CHAPTER 3

SLUM CLEARANCE<sup>1</sup>

## SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvage materials, other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.

13-301. Findings of board. Pursuant to Tennessee Code Annotated, section 13-21-101 et seq., the board of commissioners finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

13-302. Definitions. (1) "Municipality" shall mean the Town of Graysville, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the board of commissioners charged with governing the town.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, section 13-21-101 et seq.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

state relating to health, fire, building regulations, or other activities concerning structures in the city.

(5) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(6) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

13-303. "Public officer" designated; powers. The board of mayor and commissioners will designate and appoint a "public officer" to exercise the power prescribed by title 13, chapter 3. If designated and appointed "public officer is unavailable, the recorder of the town will exercise the powers. (as replaced by Ord. #2008-08, Sept. 2008)

13-304. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (a) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or (b) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed

fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful."

13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of Rhea County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the Town of Graysville as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Rhea County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Graysville, to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-309. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other

residents of the Town of Graysville; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.

13-310. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Rhea County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-311. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

13-312. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

13-313. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

TITLE 14

ZONING AND LAND USE CONTROL<sup>1</sup>

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. MOBILE HOMES (TRAILERS).
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. BUILDING PERMIT REQUIRED.

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 board of commissioners selected by the board of commissioners; 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 five (5) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of no more than two (2) members shall expire each year. The terms of the mayor and the member selected by the board of commissioners shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (as amended by Ord. #01111, Jan. 2007)

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.

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<sup>1</sup>Municipal code reference

Fair housing provisions: title 9, chapter 3.



14-103. Additional powers.<sup>1</sup> 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.

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<sup>1</sup>State law reference

To make this section effective the municipality should request the State Planning Office, under authority granted by Tennessee Code Annotated, section 13-3-102 to designate the municipal planning commission as a regional planning commission.

## CHAPTER 2

### MOBILE HOMES (TRAILERS)

#### SECTION

- 14-201. Definitions as used in this chapter.
- 14-202. Individual mobile homes.
- 14-203. Regulations for mobile home parks.
- 14-204. Regulating travel trailers and travel trailer parks.
- 14-205. Application for permit.
- 14-206. Legal provisions.

14-201. Definitions as used in this chapter. Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions where not inconsistent with the context. For the purposes of the chapter certain words or terms are defined as follows:

The term "shall" is mandatory.

Where not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular.

Words used in the present tense include the future.

"Green strip." A strip of land not less than ten (10) feet in width planted in grass, groundcover, shrubs and/or trees. No structures are permitted in the green strip.

"Health officer." The town health officer, county or district health department having jurisdiction over the community health in the Town of Graysville, Tennessee, or his authorized representative.

"Manufactured home." A structure transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing heating, air conditioning, and electrical systems contained therein. It includes both mobile homes and modular homes as defined or used in this chapter.

"Mobile home or trailer." A detached, single-family dwelling unit with any or all of the following characteristics:

(1) Is not self-propelled, but is transportable on its own or detachable wheels, or on a flat-bed or other trailer, and which in the traveling mode is eight (8) body feet or more in width, or thirty-five (35) feet or more in length, or when erected on site is three hundred twenty (320) feet or more square feet;

(2) Designed for long-term occupancy and containing sleeping accommodations, flush toilet, a tub or shower or both, a kitchen facility,

plumbing and electrical connections provided for attachment to outside systems;

(3) Arriving at the site where it is to be inhabited or occupied on a single chassis and a complete dwelling, including major appliances and items of furniture, ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, anchoring, connection of utilities and the like.

"Mobile home park." The term mobile home park shall mean any plot of ground within the Town of Graysville on which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

"Mobile home space." A mobile home space shall mean an area of land designated for the accommodation of one mobile home in a mobile home park.

"Motor home." A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

"Recreational vehicle." A vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities classified as "recreational vehicles" are: travel trailers, camping trailers, truck camper, and motor homes.

"Set up." The support system which is a combination of footings, piers, caps and shims that will, when properly installed, support the mobile home.

"Travel trailer." A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than three hundred twenty (320) square feet and dimensions of less than eight (8) feet wide and thirty-five (35) feet in length.

"Travel trailer park." Any designated permitted site constructed in such manner on which two (2) or more travel trailers, recreational vehicles, or motor homes occupied for camping or period of short stay are located. Adequate sewage disposal facilities shall be on site to serve as a dumping station. The design of the sewage disposal facilities shall have the approval of the Rhea County Health Department.

"Truck camper." A portable unit constructed to provide temporary living quarters for recreational use, travel, or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck. (Ord. #1989-1, Art. I, as replaced by Ord. #1995-1, Sept. 1995, and amended by Ord. #97-5, Aug. 1997, and Ord. #2005-5, July 2005)

14-202. Individual mobile homes and modular homes. Each mobile home or modular home located within the Town of Graysville shall have a building

permit issued by the town recorder or his designee, subject to the following conditions:

(1) The mobile home or modular home shall meet the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 and TCA 68-126-201 et. seq., as amended;

(2) The mobile home or modular home shall be set up and properly anchored in accordance with the requirements of the Manufactured Home Anchoring Act (TCA 68-126-401 et. seq.) as amended. The applicant shall present a copy of the permit issued by the State of Tennessee's electrical inspector, approving the installation/set up of the structure.

(3) The mobile home or modular home shall have an adequate sewage disposal system provided and a copy of the health officer's permit or approval of the septic tank and soil absorption system must be provided by the applicant.

(4) Where applicable, the recorder shall require all documents and permits under the current Graysville Flood Damage Prevention Ordinance be approved and copies submitted prior to issuing building permits.

(5) There shall be permanent steps with landing area not less than 3-feet by 3-feet provided for every exterior door to the manufactured that is two (2) feet or more above the ground. Steps shall be properly constructed within sixty (60) days of installation of the manufactured home. Steps constructed from stacked loose materials shall not be constructed as properly installed.

(6) Skirting shall be installed to enclose the open space between the bottom of the manufactured home floor and the grade level of the lot. Screens or ventilated areas shall be installed in the skirting where applicable to comply with § 14-305(2)(c) (Flood Damage Prevention) and access shall be provided for inspection and maintenance of the enclosed area. Materials permitted for use for foundation enclosures or skirting include solid concrete, masonry, hardboard, brick, block, stone, and substantial vinyl or aluminum. Said skirting shall be installed within sixty (60) calendar days of placement of said manufactured home.

(7) Any other applicable conditions as provided in the town code or by ordinance.

(8) Payment of building permit fee, as provided in § 14-201, as amended.

(9) Neither public water or trash collection service will be provided to any structure until the building permit is approved. (Ord. #1989-1, Art. II, as replaced by Ord. #1995-1, Sept. 1995, and amended by Ord. #2005-5, July 2005)

14-203. Regulations for mobile home parks. (1) Permit for mobile home park. No place or site within said town shall be established by any person, group of persons, or corporation as a mobile home park unless a valid permit has been issued by the recorder in the name of such person or persons for the specific mobile home park. The recorder is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

(2) Site requirements. (a) Each mobile home park shall be located outside of flood zone areas on a well-drained site and shall be situated so drainage will not endanger water supply. Each mobile home park shall be located on a single lot or on adjacent lots of the same ownership and planned so as to facilitate the efficient management and administration of such park.

(b) Any area of land designated to be used as a mobile home park shall be at least one and one-half (1.5) acres, or sixty-five thousand three hundred forty (65,340) square feet.

(3) Size of mobile home spaces. Each mobile home space shall be at least twenty-one thousand seven hundred eighty (21,780) square feet, including parking area, with a minimum width of sixty (60) feet and length of one hundred twenty (120) feet.

Each mobile home located in a mobile home park shall be situated such that there is at least:

(a) Twenty (20) feet from the mobile home to any adjacent property line;

(b) Twenty-five (25) feet from any public street right-of-way to a mobile home; and

(c) Forty (40) feet of clear and open space between adjacent mobile homes, attachments such as screen porches, or other buildings.

(4) Street requirements. The minimum widths of various private streets within a mobile home park shall comply with the following:

(a) One-way with no on-street parking . . . . . 10 ft. wide;  
Two-way with no on-street parking . . . . . 18 ft. wide;  
Parallel parking on one side . . . . . 8 ft. additional width;  
Parallel parking on two sides . . . . 16 ft. additional width;

(b) The internal street system should provide convenient circulation by means of minor streets and properly located collector streets.

(c) Dead-end streets and cul-de-sacs shall not exceed five hundred (500) feet in length and have an adequate turnaround with a minimum diameter of eighty (80) feet.

(d) Internal streets for parks of ten (10) spaces or more must be constructed and surfaced to the design standards required by the Town of Graysville provided pavement widths shown in this chapter shall govern. Parks with less than ten spaces may have gravel surfaced streets (two inches minimum).

(e) All internal streets shall be private and maintenance of the streets in a safe condition is the responsibility of the park management.

(f) Park management shall determine rules for use of the internal streets, post appropriate traffic control signs and enforce these rules.

(g) Streets shall be identified by permanent signs.

(5) Parking and buffer area. (a) Each mobile home park shall provide two parking spaces per mobile home space. Each parking space shall be at least 9 feet by 18 feet. They may be arranged side-by-side or end-to-end.

(b) Each mobile home park shall have a green strip along all exterior boundaries of the park to be not less than ten feet.

(6) Recreation area. A centrally-located area (or areas in parks of more than 50 spaces) in each mobile home park shall be provided for use by the occupants for recreation and entertainment. Such recreational area shall be at least 250 square feet per mobile home space. Such recreational area shall be maintained in an attractive manner and shall be well-drained. Provided, that in parks which have fewer than ten (10) spaces, 500 square feet may be added to each mobile home space in lieu of a recreation area.

(7) Water supply. Water shall be piped directly to each mobile home space or site. The developer of a mobile home park shall attach to Graysville's water supply. Fire hydrant(s) may be required.

If it is impossible or impractical to connect to town water, the planning commission may allow an independent water supply, which it shall be constructed only with written approval of plans and specifications by the health officer.

(8) Sewage disposal. (a) Each mobile home park shall provide an adequate disposal system approved in writing by the health officer.

(b) The developer of a mobile home park shall first attempt to dispose of sewage through a public sewage system. If this is not feasible, then a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available.

(c) No mobile home shall be placed over a soil absorption field.

(d) Mobile homes with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.

(9) Solid waste collection. The storage, collection, and disposal of refuse within a mobile home park shall be so managed as to create no health hazards. All refuse shall be stored in fly-tight, watertight, and rodent-proof containers. Garbage and refuse shall be collected and disposed of no less than once a week at designated or approved pick-up sites.

(10) External access. (a) Entrances to mobile home parks shall have direct connections to a public road and shall be designed to allow free movement of traffic on the adjacent public street.

(b) Where the mobile home park does not abut a public road, width, and length of the access strip shall be determined by the planning commission.

(c) Where the mobile home park does not abut a public road, the access road shall be constructed to design standards, pavement cross-section standards, and width as required by the Graysville Planning Commission.

(11) Utilities to each space. Each mobile home park shall provide and maintain sanitary sewer, water and electric connections for each mobile home space.

(12) Skirting. The owner or operator of a mobile home park shall require individual mobile homes within the park to be skirted within a specified period of time, not to exceed sixty (60) days. Permitted materials for said skirting include hardboard, block, brick, vinyl or aluminum.

(13) Mobile home stands. (a) Each mobile home space shall have a pad a minimum of twelve (12) feet by fifty (50) feet, which shall have minimum depth of four (4) inches of compacted gravel.

(b) Each space shall have a permanent site number or address sign clearly visible from the street, affixed on the power panel box serving that space.

(c) All mobile homes shall be cited and anchored in conformance with the "Tennessee Manufactured Home Anchoring Act"<sup>1</sup> and the regulations adopted thereunder by the Department of Commerce and Insurance. The park owner shall provided setups as required by these laws and regulations.

(d) The total area occupied by the mobile home and any accessory structures shall not exceed sixty six and two-thirds (66 2/3) percent of the mobile home.

(14) Accessory structures. (a) Storage and normal accessory buildings shall be set back five (5) feet from mobile home space lines.

(b) Awnings, cabanas, and other additions shall be installed only if permitted and approved by the park management when installed they shall be maintained in good repair.

(c) A cabana shall be designed and constructed as a free-standing structure, provided said cabana may be attached to a mobile home with appropriate flashing or sealing materials to provide a weather seal.

(15) Uses permitted. (a) Mobile homes or modular homes shall not be used for commercial, industrial or other nonresidential uses within the mobile home park. Provided, however, one managerial office and neighborhood convenience services serving only residents of said park, such as a laundromat are permitted.

(b) The sale of manufactured homes is allowed in mobile home parks provided the home is displayed and offered for sale on the site

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-126-401, et seq.

intended for location of the home. Homes may not be offered for sale on a retail basis in the mobile home park for sitting outside said park.

(16) Signage. The mobile home park is allowed one sign designating the community not to exceed fifty (50) square feet in surface size or two signs not to exceed sixty (60) square feet in surface size. (Ord. #1989-1, Art. III, as replaced by Ord. #1995-1, Sept. 1995, and amended by Ord. #2001-1, May 2001, Ord. #2005-5, July 2005, and Ord. #2010-2, June 2010)

14-204. Regulating travel trailers and travel trailer parks.

(1) Permit for travel trailer park. No place or site within said town shall be established or maintained by any person, group of persons, or corporation as travel trailer park unless he holds a valid permit issued by the recorder in the name of such persons or persons for the specific travel trailer park. The recorder is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

(2) Inspections by recorder and county health officer. The recorder, town or county health officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The recorder, inspector, or county health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

(3) Length of occupancy. Travel trailer spaces shall be rented by the day or week only. A travel trailer shall not remain in the same trailer park for more than 14 days without the written approval of the Town of Graysville.

(4) Location. Travel trailer parks should be located in commercial areas or recreational areas.

(5) Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of sixty (60) feet.

(6) Site planning and improvements shall conform to the standards established in sections 14-203 and 14-206 where applicable. (Ord. #1989-1, Art. IV, as replaced by Ord. #1995-1, Sept. 1995)

14-205. Application for permit.

(1) New mobile home parks. Applications for a mobile home park, after the adoption of this chapter,<sup>1</sup> shall be filed with the planning commission and issued by the recorder subject to the planning commission's approval of the mobile home park plan. Applications shall be in writing and signed by the

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<sup>1</sup>This chapter is taken from Ordinance No. 1989-1 that was adopted in 1989, and replaced by Ord. No. 1995-1, which was adopted in September 1995.



applicant and shall be accompanied with a site plan of the proposed mobile home park. No permit for a mobile home park shall be issued without approval of the planning commission. The plan shall contain the following information and conform to the following requirements:

- (a) the plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- (b) name and address of owner of record;
- (c) proposed name of park;
- (d) north point and graphic scale and date;
- (e) vicinity map showing location and acreage of mobile home park;
- (f) exact boundary lines of the tract by bearing and distance;
- (g) names of owners of record of adjoining land;
- (h) existing streets, utilities, easements, and water courses on and adjacent to the tract, contour lines at five (5) feet intervals;
- (i) proposed design including streets, proposed street names, lot and space lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces, ingress and egress from the park;
- (j) provisions for water supply, sewerage and drainage, including provisions for town acceptance of the water system, if applicable, and appropriate approvals by the health department;
- (k) the applications and all accompanying plans and specifications shall be filed in triplicate;
- (l) a non-refundable application review fee of one hundred (\$100.00) dollars shall accompany the application. (Ord. #1989-1, Art. V, as replaced by Ord. #1995-1, Sept. 1995)

14-206. Legal provisions. (1) Enforcement. It shall be the duty of the county health officer and the town recorder, or his designee, to enforce provisions of this chapter.

(2) Violation and penalty. Any persons or corporation who violates the provisions of the chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements of the recorder or county health officer after receipt of the certified mail receipt of such requirements, shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense and each day of continued violation shall constitute a separate offense.

(3) Conflicts with other ordinances or regulations. This chapter supersedes and replaces any preceding chapter regulations and/or controlling mobile homes. In any case where a provision of this chapter is found to be in conflict with a provision of any private or public act or local ordinance or code,

the provision which establishes the higher standard for promotion and protection of the health and safety of the people shall prevail.

(4) Board of appeals. (a) The Board of Appeals shall consist of the Graysville Planning Commission. The Board of Appeals shall be guided by procedures and powers compatible with state law.

(b) Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the recorder in the enforcement of this chapter may appeal for and receive a hearing by the board of appeals for an interpretation of pertinent chapter provisions. In exercising the power of interpretation of this chapter, the board of appeals with advice from the town attorney, may, in conformity with the provisions of this chapter, reverse, or affirm any order, requirement, decision or determination may by the recorder.

(c) The board of appeals may grant a variance to these requirements where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, by reasons of exceptional topographic conditions, or other extraordinary and exception situation or condition, where strict application of these regulations would result in peculiar and exceptional practical difficulties and hardship to relieve such difficulties or hardships; provided that such relief is in the public good and does not impair the purpose of this chapter.

(5) Appeal from the planning commissioner. Any person aggrieved by any decision of the planning commission's board of appeals for the Town of Graysville, may file a written petition for review in any court of competent jurisdiction.

(6) Existing mobile home parks (grandfather clause). Any mobile home park or travel trailer park permitted pursuant to the provisions of the Graysville Mobile Home Ordinance adopted in 1989, or the subsequent amendments may be continued even though such use does not entirely conform with the provisions of this chapter provided they do not violate public health regulations and provided, however, that this chapter will govern:

(a) Mobile home parks or travel trailer parks re-established after a discontinuance for more than one (1) year;

(b) The extension or enlargement of any mobile home park or travel trailer park in existence prior to the adoption of this chapter; and,

(c) Mobile home park or travel trailer parks rebuilt, altered, or repaired after the effective date of the ordinance due to damage or destruction of more than one-half (1/2) of the park's total capacity.

(7) Amendment. Any member of the town commission may introduce such amendment to this chapter. All changes and amendments shall be effective only after a fifteen (15) day official notice and public hearing. No such amendment shall become effective unless it is first submitted to the planning commission for approval. If such amendment is disapproved by the planning

commission, it shall receive the favorable vote of a majority of the entire membership of the Graysville Board of Commissioners.

(8) Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, this shall not affect other provisions or applications of the chapter which are independent of the invalid provision or application, and to that end the various provisions of this chapter are severable.

(9) Approval by board of commissioners necessary. This chapter becomes effective upon approval by a majority vote of the Graysville Board of Commissioners following an advertised public hearing in a newspaper of general circulation (TCA 13-7-203). (Ord. #1989-1, Art. VI, as replaced by Ord. #1995-1, Sept. 1995)

## CHAPTER 3

### FLOOD DAMAGE PREVENTION ORDINANCE

#### SECTION

14-301. Statutory authorization, findings of fact, purpose, and objectives.

14-302. Definitions.

14-303. General provisions.

14-304. Administration.

14-305. Provisions for flood hazard reduction.

14-306. Variance procedures.

14-307. Legal status provisions.

14-301. Statutory authorization, findings of fact, purpose, and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in chapter 41, section 12, General Powers of the Private Acts of the Town of Graysville delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Graysville, Tennessee, Mayor and its Legislative Body do ordain as follows:

(2) Findings of fact. (a) The Town of Graysville, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (C.F.R.), ch. 1, section 60.3.

(b) Areas of the Town of Graysville, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (Ord.#1987-1, Art. 1, as replaced by Ord. #1993-4, Art. I, June 1993, Ord. #2008-04, Aug. 2008, and Ord. #2011-2, Aug. 2011)

14-302. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.



(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Graysville, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement

area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home or a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as

designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure," for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various

magnitudes and frequencies in the floodplains of riverine areas. (Ord. #1987-1, Art. 2, modified, as replaced by Ord. #1993-4, Art. 2, June 1993, Ord. #2008-04, Aug. 2008, and Ord. #2011-2, Aug. 2011)

14-303. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the Town of Graysville, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified in the Town of Graysville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Rhea County 47143, Community ID 470153, and Panel Numbers 0304 and 0310, dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Graysville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall constitute a misdemeanor punishable as other misdemeanors as provided

by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Graysville, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #1987-1, Art. 3, as replaced by Ord. #1993-4, Art. 3, June 1993, Ord. #2008-04, Aug. 2008, and Ord. #2011-2, Aug. 2011)

14-304. Administration. (1) Designation of ordinance administrator. The town recorder is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-305(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-304(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and

substantially improved buildings have been floodproofed, in accordance with § 14-304(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-304(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Graysville, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #1987-1, Art. 4, as replaced by Ord. #1993-4, Art. 4, June 1993, amended by Ord. #2004-5, April 2004, and replaced by Ord. #2008-04, Aug. 2008, and Ord. #2011-2, Aug. 2011)

14-305. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;



(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-305(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-305(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls

shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding shall be designed to preclude finished living space and designed to allow

for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iv) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-305(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions;

Must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-302).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-305(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-305(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-303(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be

permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the Town of Graysville, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-303(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-305(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres,

whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-305(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Graysville, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2). Within approximate A Zones, require that those subsections of § 14-305(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-303(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-305(1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate

automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-305(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-304(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A99 Zones) all provisions of §§ 14-304 and 14-305 shall apply.

(8) Standards for unmapped streams. Located within the Town of Graysville, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-304 and 14-305. (Ord. #1987-1, Art. 5, as replaced by Ord. #1993-4, Art. 5, June 1993, Ord. #2008-04, Aug. 2008, and Ord. #2011-2, Aug. 2011)

14-306. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (amount) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (number of) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Graysville, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance.



(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of floodplain review may attach such conditions to the granting of

variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-306(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #1993-4, Art. 6, June 1993, as replaced by Ord. #2008-04, Aug. 2008, and Ord. #2011-2, Aug. 2011)

14-307. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Graysville, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

(3) Effective date. The ordinance comprising this chapter shall become effective immediately after its passage, in accordance with the Charter of the Town of Graysville, Tennessee, and the public welfare demanding it. (as added by Ord. #2008-04, Aug. 2008, and replaced by Ord. #2011-2, Aug. 2011)

## CHAPTER 4

BUILDING PERMIT REQUIRED

## SECTION

14-401. Building permit required.

14-402. Minimum yard setbacks required.

14-401. Building permit required. A building permit shall be obtained from the town recorder before the erection, alteration, or moving of any building. The fee for a building permit shall be:

(1) Value of \$1,000.00 and less no fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.

(2) Value of \$1,000.00 - \$5,000.00; \$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

(3) Value of \$50,000.00 - \$100,000.00; \$460.00 for the first \$100,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.

(4) Value of \$100,000.00 - \$500,000.00; \$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.

(5) Value of \$500,000.00 and up \$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(6) For moving of mobile home(s), the fee shall be \$100.00 plus permit cost.

There will not be a fee for the demolition of any building or structures, installation of new siding to a residential structure, barn or church or the reroofing of a residential structure, barn or church.

Provided the owner or applicant fails to obtain a permit prior to the start of construction or moving a mobile home onto a property, the cost of said permit shall be doubled. (Ord. 1981-6, modified, as amended by Ord. #2004-6, May 2004, and replaced by Ord. #2009-09, Jan. 2010)

14-402. Minimum yard setbacks required. (1) Prior to the town recorder issuing a building permit, the recorder shall ensure that every structure (including mobile homes) shall have setbacks from the property line and other structure on the same lot as shown below.

Front Yard .....	20 feet
Back Yard .....	15 feet
Side Yard .....	20 feet
Minimum Distance Between Residential Structures on the same lot .....	40 feet

Accessory Buildings, side rear yard . . . . .	5 feet
Accessory Buildings, front yard . . . . .	20 feet

(2) Variance. The planning commission, acting as a board of appeals, may grant a variance to these setback requirements on application of the property owner, only when:

(a) The lot of record is exceptionally narrow, shallow, steep, or other unique physical conditions would result in a practical difficulty or unnecessary hardship which would deprive the owner of all reasonable use of the land.

(b) The burden of showing the variance should be granted is upon the applicant. Self-imposed hardships and mere loss in value do not justify a variance - there must be a deprivation of beneficial use of the land.

(3) Where a structure is under construction and a building permit has not been issued, or the owner is in violation of the terms of his/her building permit, the town recorder shall issue a stop work order. Failure to comply with a stop work order constitutes a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Each day the violation continues shall constitute a separate offense. (as added by Ord. #1995-1, Sept. 1995, and amended by Ord. #2001-3, May 2001)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. GOLF CARTS; LOW SPEED VEHICLE REGULATIONS.

CHAPTER 1

MISCELLANEOUS<sup>2</sup>

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Driving under the influence.
- 15-105. One-way streets.
- 15-106. Unlaned streets.
- 15-107. Laned streets.
- 15-108. Yellow lines.
- 15-109. Miscellaneous traffic control signs, etc.
- 15-110. General requirements for traffic control signs, etc.
- 15-111. Unauthorized traffic control signs, etc.
- 15-112. Presumption with respect to traffic control signs, etc.

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

Under Tennessee Code Annotated, section 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, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.

- 15-113. School safety patrols.
- 15-114. Driving through funerals or other processions.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from the rear of vehicles.
- 15-119. Causing unnecessary noise.
- 15-120. Vehicles and operators to be licensed.
- 15-121. Passing.
- 15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-123. Delivery of vehicle to unlicensed driver, etc.
- 15-124. Skateboards and skates.
- 15-125. Trucks prohibited on certain streets.
- 15-126. Designated streets.
- 15-127. Exceptions
- 15-128. Compliance with financial responsibility law required.

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.

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.

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.

15-104. Driving under the influence. (See Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307).

15-105. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction.

15-106. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the town 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.

15-107. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary.

15-108. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street.

15-109. Miscellaneous traffic control signs, etc.<sup>1</sup> 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 town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer.

15-110. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision

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<sup>1</sup>Municipal code references

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

of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>1</sup> 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 town. This section shall not be construed as being mandatory but is merely directive.

15-111. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal.

15-112. Presumption with respect to traffic control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper town authority.

15-113. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals.

15-114. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

15-115. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place.

15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any

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<sup>1</sup>This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.



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.

15-117. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

15-119. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle.

15-120. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law."

15-121. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety.

15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

(1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

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

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

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

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

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

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

15-123. Delivery of vehicle to unlicensed driver, etc. (1) Definitions.

(a) "Adult" shall mean any person eighteen years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Graysville unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless,

careless, or unlawful manner, or in such a manner as to violate the ordinances of the town.

15-124. Skateboards and skates. It shall be unlawful for any person to operate a skateboard or roller skates on public streets, sidewalks or other town property.

15-125. Trucks prohibited on certain streets. It shall be unlawful to drive any truck with more than three (3) axles on any street so designated by ordinance without first obtaining a permit from the Town of Graysville Planning Commission and posting a cash bond with the town. This provision shall apply to, as designated, streets within either commercial or residential areas. (as added by Ord. #2001-5, Aug. 2001)

15-126. Designated streets. It is hereby established that the following streets are designated as prohibiting trucks with more than three (3) axles unless first complying with § 15-125:

- (1) Sixth Street
- (2) Harrison Avenue
- (3) College Street
- (4) Bridge Street
- (5) Smith Street
- (6) Shelton Street
- (7) Burnette Street
- (8) Long Street (as added by Ord. #2001-5, Aug. 2001)

15-127. Exceptions. The foregoing provisions hereof shall not apply to any emergency vehicle, any school bus or any road construction equipment being operated by or for the town in connection with repairs on property or right of way owned by the town. (as added by Ord. #2001-5, Aug. 2001)

15-123. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under Tennessee Code Annotated, title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty imposed by the laws of this state or by the city's municipal code or ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #2006-4, Sept. 2006)

## 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.

15-202. Operation of authorized emergency vehicles.<sup>1</sup> (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (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.

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

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

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

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
section 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.

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.

## CHAPTER 3

SPEED LIMITS

## SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

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.

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.

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

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.



## 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.<sup>1</sup>

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.

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

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.

15-405. U-turns. U-turns are prohibited.

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 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.<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

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.

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.

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

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

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.

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.

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.

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

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 town 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 section 15-504 of this code.

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 town, 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.

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,<sup>1</sup> except in an emergency.

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 55-8-143.

## CHAPTER 6

PARKING

## SECTION

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

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

Except as hereinafter provided, every vehicle parked upon a street within this town 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 town 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.

15-602. Angle parking. On those streets which have been signed or marked by the town 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.

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.

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

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within fifteen feet (15') of a fire hydrant;

(5) Within a pedestrian crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21.

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 town as a loading and unloading zone.

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking.

## CHAPTER 7

ENFORCEMENT

## SECTION

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

15-701. Issuance of traffic citations.<sup>1</sup> 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 town 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.

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.

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

For parking violations the offender may 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 thirty (30) days and five dollars (\$5.00) thereafter, except for the violation of parking in a handicapped parking space under section 15-604(13) of this code, for which the offender may be punished according to the general penalty provisions of this code of ordinances.

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<sup>1</sup>State law reference

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



15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of.

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, section 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, sections 55-16-103 through 55-16-109.

## CHAPTER 8

### GOLF CARTS; LOW SPEED VEHICLE REGULATIONS

#### SECTION

15-801. Definitions.

15-802. Permitted streets.

15-803. License requirements.

15-804. Vehicle requirements.

15-805. Registration requirements.

15-806. Tennessee state law.

15-801. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter unless it is apparent from the context that a different meaning is intended:

(1) "Golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour (20 mph).

(2) "Low speed vehicle" means any four (4) wheeled electric or gasoline vehicle, excluding golf carts, whose top speed is greater than twenty miles per hour (20 mph), but not greater than twenty-five miles per hour (25 mph), including neighborhood electric vehicles. Low speed vehicles must comply with the standards in 49 C.F.R. 571.000.

(3) "Modified" means to change; cause to change; make different; cause a transformation. (as added by Ord. #2010-7, Jan. 2011)

15-802. Permitted streets. The Town of Graysville hereby permits golf carts that have been modified to meet all low speed vehicle requirements to operate on all town streets with a posted speed limit of not more than thirty miles per hour (30 mph). Furthermore, operators of golf carts may not cross a road with a posted speed limit over thirty miles per hour (30 mph). (as added by Ord. #2010-7, Jan. 2011)

15-803. License requirements. Operators of golf cart/modified low speed vehicles must have a valid Class D driver license in their possession when operating these vehicles on Tennessee's roads. (as added by Ord. #2010-7, Jan. 2011)

15-804. Vehicle requirements. All golf carts/modified low speed vehicles permitted to operate on town streets must meet the definition of a low speed vehicle or be modified to a low speed vehicle. As outlined in Tennessee Code Annotated, § 55-1-122, a low speed vehicle must meet all of the following conditions:

(1) The vehicle's top speed is greater than twenty miles per hour (20 mph) but not more than twenty-five miles per hour (25 mph).

(2) The vehicle shall contain the following items, as outlined in 49 Code of Federal Regulations (C.F.R.) 571:

- (a) Headlights;
- (b) Stop lights;
- (c) Front and rear turn signal lights;
- (d) Tail lights;
- (e) Reflex reflectors, one (1) red on each side near the rear and one (1) on the rear;
- (f) Parking brake;
- (g) One (1) exterior mirror on the driver's side and one (1) additional mirror, either on the passenger side or in the interior;
- (h) Windshield that conforms to the federal motor vehicle safety standard on glazing materials (49 C.F.R. 571.205);
- (i) Seat belts (Type 1 or 2) located at each seating position;
- (j) Vehicle ID Number (VIN), conforming to 49 C.F.R. 565. (as added by Ord. #2010-7, Jan. 2011)

15-805. Registration requirements. (1) All golf carts/modified low speed vehicles shall be inspected and issued a permit along with a registration sticker from the Town of Graysville prior to being operated on town streets. NOTE: Low speed/modified low speed vehicles may receive a waiver of town registration (see subsection (5)).

(2) A registration/permit application along with a low speed vehicle affidavit must be completed prior to inspection.

(3) An inspection of golf carts/modified low speed vehicles shall be conducted by the chief of police or his designee.

(4) An annual registration/permit sticker shall be affixed to the center rear of the body of the vehicle (much like the location of a license tag).

(5) The Town of Graysville suggests individuals wishing to operate a golf cart/modified low speed vehicle on town streets register the vehicle with the State of Tennessee. (as added by Ord. #2010-7, Jan. 2011)

15-806. Tennessee state law. Traditional golf carts, as defined by Tennessee Code Annotated, § 55-1-123, may not be titled and registered for on road use, unless modified to meet all of the low or medium speed vehicle requirements in Tennessee law and the federal safety standards contained in 49 C.F.R. 571.500. Traditional golf carts are defined in Tennessee Code Annotated, § 55-1-123 as follows:

"Golf cart means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour (20 mph)."

A golf cart that is designed and manufactured for on road use, or is modified to meet all of the low or medium speed vehicle requirements and federal safety standards does not meet the definition of a traditional golf cart, as outlined in Tennessee Code Annotated, § 55-1-123. Since this vehicle is not a golf cart as defined under Tennessee law, the vehicle may be registered as a low or medium speed vehicle if all requirements are met to be a low or medium speed vehicle. Individuals modifying a traditional golf cart to meet low speed vehicle requirements must submit a low speed affidavit form (RV-F1314301) that certifies the vehicle has been sufficiently modified to meet all low speed vehicle requirements. The affidavit must be submitted with the registration application as a condition of registration. Clerks are authorized to title and register these vehicles as low speed vehicles if all documentation requirements are met. (as added by Ord. #2010-7, Jan. 2011)

TITLE 16

STREETS AND SIDEWALKS, ETC<sup>1</sup>

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. STREET ADDRESSES/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.

16-101. 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.

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

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

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.<sup>1</sup>

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

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.

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, public or private property, 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. # 77-2, § 1)

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.

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.

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration,

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

or exhibition on the public streets without some responsible representative first securing a permit from the town recorder.

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 also 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.

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

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.

## CHAPTER 2

EXCAVATIONS<sup>1</sup>

## 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. Driveways.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (Ord. # 128, modified)

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

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).



to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing. (Ord. # 128)

16-203. Fee. The fee for such permits shall be fifteen dollars (\$15.00). (Ord. # 128)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city recorder a cash deposit in the sum of twenty-five dollars (\$25.00) if no pavement is involved, and seventy-five dollars (\$75.00) if the excavation is in a paved area, to insure the proper restoration of the ground and, laying of the pavement, if any, except that where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 city recorder a bond in such form and amount as the city recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (Ord. # 128)

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. # 128)

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 town shall restore the 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 promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city 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 town 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 town, 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. # 128)

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 city recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$130,000 for each person and \$350,000 for each accident, and for property damages not less than \$50,000. (Ord. # 128)

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 town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city recorder. (Ord. # 128)

16-209. Supervision. The city 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 town 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. # 128)

16-210. Driveways. No one shall build or maintain a driveway that intersects with a city street, alley, or other public place 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 approach shall be permitted to encompass any municipal or other public facilities. Under the permit provided for herein the applicant may be authorized to relocate any such utility upon application to the subject utility provider and upon making suitable arrangements for financial reimbursements to the provider. No driveway approach shall be permitted within twenty-five (25) feet

of the right-of-way of the intersecting street, and no more than one driveway approach shall be permitted per lot when the lot is seventy-five (75) feet or less in width fronting on any street. All new constructions or replacement of driveway drainage culverts shall have minimum dimensions of 10 inches in diameter for metal corrugated pipe or 8 inches in diameter for concrete pipe, and twenty (20) feet in length, and shall be constructed in a manner not to impede adequate drainage along the road right-of-way.

## CHAPTER 3

### STREET ADDRESSES/PROPERTY NUMBERING

#### SECTION

16-301. Each structure to have designated number to be posted and maintained.

16-302. Mailbox required to display street numbers.

16-303. Number displayed on building, property, or sign.

16-304. Multiple occupancies--display of number.

16-305. Enforcement.

16-306. Violation and penalties.

16-301. Each structure to have designated number to be posted and maintained. Each building or structure, whether public or private, shall have a number designated to it, consistent with the uniform system of addressing established by the Rhea County E-911 board and these numbers shall be posted, exhibited and maintained. (as added by Ord. #0123, March 2007)

16-302. Mailbox required to display street numbers. All improved properties or occupancies that utilize a curbside mailbox shall display the street number prominently on said mailbox in such a manner as to:

- (1) Be legible from the street on which the property is located;
- (2) One (1) and two (2) family dwellings shall display numbers a minimum of two (2) inches in height. All other properties/occupancies shall display numbers a minimum of four (4) inches in height;
- (3) Be visible from both directions;
- (4) Be set on a background of a contrasting color. (as added by Ord. #0123, March 2007)

16-303. Number displayed on building, property, or sign. All improved properties or occupancies that do not utilize a curbside mailbox shall display their street number prominently on their building, property, sign or similar location, provided the criteria on legibility and size and visibility in § 16-302 shall apply. (as added by Ord. #0123, March 2007)

16-304. Multiple occupancies--display of number. Improved properties with multiple occupancies such as office buildings, shopping centers, apartment complexes, duplexes, and mobile home parks shall display the development's street number or range of numbers prominently on their building, property, sign or similar location. These street numbers shall comply with the criteria for legibility, size, and visibility in § 16-302. (as added by Ord. #0123, March 2007)

16-305. Enforcement. Enforcement of the provisions of this chapter shall be the responsibility of the Graysville Police Department. (as added by Ord. #0123, March 2007)

16-306. Violation and penalties. All property owners or occupants shall have forty-five (45) days from the date the ordinance comprising this chapter goes into effect to comply. All property owners or occupants notified in writing after said date shall have thirty (30) days to comply. Failure to comply shall result in being cited into town court, and subject to a fine of between ten dollars (\$10.00) and fifty dollars (\$50.00), provided further that each day the violation continues shall constitute a separate offense. (as added by Ord. #0123, March 2007)

TITLE 17

REFUSE AND TRASH DISPOSAL<sup>1</sup>

CHAPTER

1. REFUSE STORAGE AND COLLECTION.

CHAPTER 1

REFUSE STORAGE AND COLLECTION

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Refuse collection fees.
- 17-110. (Reserved for future use.)
- 17-111. Sanitation fee; penalty.
- 17-112. Burning permit.
- 17-113. Burning permit; penalty.
- 17-114. Brush collection policy.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (Ord. # 77-2, § 3)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (Ord. # 77-2, § 3)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons. The combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet. (Ord. # 77-2, § 3)

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

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

17-106. Collection.<sup>1</sup> All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (Ord. # 77-2, § 3)

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

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the governing body is expressly prohibited. (Ord. # 77-2, § 3)

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<sup>1</sup>The schedule for collection (and all amendments) is available in the town recorder's office.

17-109. Refuse collection fees. Refuse collection fees shall be at such rates as are from time to time set by the governing body by ordinance or resolution.<sup>1</sup>

17-110. (Reserved for future use.)

17-111. Sanitation fee; penalty. The city shall charge for and collect a sanitation fee for the collection of garbage and other related services and the fee shall be established as follows:

(1) Residential fee. Residents of the Town of Graysville occupying residential property shall pay eight dollars (\$8.00) per meter per month for sanitation user's fee per residence.

(2) Professional, churches and schools. These establishments being served by the Town of Graysville shall be charged a sanitation user's fee of eight dollars (\$8.00) per meter per month. (Professional being defined as a location where a person or persons exercises their vocation or calling, occupation or employment and involves skill, education, special knowledge and compensation for profit, but the labor and skill involved are predominantly mental or intellectual, rather than physical or manual).

(3) Commercial fee. These establishments being served by the Town of Graysville shall be charged a sanitation user's fee of eight dollars (\$8.00) per meter per month. (Commercial being defined as a place where commodities are exchanged, bought or sold).

(4) Industrial. These establishments being served by the Town of Graysville shall be charged a sanitation user's fee of eight dollars (\$8.00) per meter per month. (Industrial being defined as a structure or establishment which produces articles from new or prepared materials by giving materials new forms qualities, properties or combination whether by hand, labor or machines).

(5) Billing. The Town of Graysville shall bill each user on a monthly basis by adding to the present water charges and using the same billing cycle as is used for those services. A late charge of ten percent (10%) per month shall be charged for non-payment.

(6) Penalty. Should any user fail to pay the user's fee then the Town of Graysville shall collect this fee by suit or as otherwise provided in the municipal code for the Town of Graysville, Tennessee. The user upon default of the monthly payment shall be responsible for any and all costs incurred including court costs, attorney fees and other expenses incurred in the collection of the service fee by the Town of Graysville, their agents or assigns.

The user upon default of the monthly payment shall be responsible for any and all costs incurred including court costs, attorney fees and other

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<sup>1</sup>Administrative ordinances and resolutions are of record in the office of the town recorder.



expenses incurred in the collection of the service fee by the Town of Graysville, their agents or assigns. (as added by Ord. #993, Jan. 1993, and amended by Ord. #2008-06, June 2008)

17-112. Burning permit: The open burning of any garbage, trash, rubbish, leaves, grass, combustible material by any person, firm or corporation without first having obtained a permit and permit number from the city recorder or his designee, is hereby prohibited.

The city recorder or his designee in granting or denying such permission shall take into consideration the atmosphere conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (as added by Ord. #1994-1, June 1994)

17-113. Burning permit; penalty. Should section 17-112 be violated by any person by burning without a permit and permit number, then such violation shall be considered a misdemeanor and subject to fine and penalties as set forth in the code for misdemeanor violations. (as added by Ord. #1994-1, June 1994, modified)

17-114. Brush collection policy. (1) Brush will be collected from April 1 to the first week in November. Collection route will follow the garbage collection route. Brush pick up for Monday's garbage route will be the first Thursday of every month and brush pick up for Tuesday's garbage route will be the fourth Thursday of every month. Should an act of God take place; the public works department will collect all brush within ten (10) days of the event regardless of the collection route.

(2) Brush must be brought to the curbside and not placed in the street, on sidewalks, or where it blocks utility meters, poles, or fire hydrants. Brush placed beneath overhead obstructions, such as tree limbs or utility cables or next to fences will not be collected. Leaves or other debris may not be mixed with brush.

(3) Lumber or construction waste materials will not be collected. Any brush left by tree trimming contractors will not be collected.

(4) The ordinance adding this section shall take effect from and after its final passage, the public welfare requiring it. (as added by Ord. #2009-02, July 2009)

## TITLE 18

WATER AND SEWERS<sup>1</sup>

## CHAPTER

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. OUTSIDE TOILETS.

## CHAPTER 1

WATER AND SEWER SYSTEM ADMINISTRATION

## SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Application and contract for service.
- 18-104. Service charges for temporary service and transfer fee.
- 18-105. Connection and reconnection charges.
- 18-106. Water and sewer main extensions.
- 18-107. Water and sewer main extension variances.
- 18-108. Meters.
- 18-109. Meter tests.
- 18-110. Multiple services through a single meter.
- 18-111. Customer billing and payment policy.
- 18-112. Termination or refusal of service.
- 18-113. Termination of service by customer.
- 18-114. Access to customers' premises.
- 18-115. Inspections.
- 18-116. Customer's responsibility for system's property.
- 18-117. Customer's responsibility for violations.
- 18-118. Supply and resale of water.
- 18-119. Unauthorized use of or interference with water supply.
- 18-120. Limited use of unmetered private fire line.
- 18-121. Damages to property due to water pressure.
- 18-122. Liability for cutoff failures.
- 18-123. Restricted use of water.
- 18-124. Interruption of service.
- 18-125. Schedule of rates.
- 18-126. Water pressure to newly developing property.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12

Refuse disposal: title 17

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

18-102. Definitions. (1) "Adequate" shall mean sufficient to perform the function intended.

(2) "Board of Commissioners" shall mean the Board of Commissioners of the Town of Graysville or its successor body.

(3) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

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

(5) "Imminent hazard to the health of the town" shall mean that to a reasonable and prudent man, the good health of any citizen of the Town of Graysville is or can reasonably be expected to be placed in immediate peril.

(6) "Liquid waste disposal system" shall mean a system of disposing of liquid or semi-solid wastes by disposal of said wastes into a closed sewer or closed septic tank via a closed piping system.

(7) "Person" shall mean any individual, corporation, partnership, or joint venture, and/or the agents, employees, successors, and assigns of same.

(8) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling; both improved and unimproved realty.

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

(10) "Supervisor of the water system" shall mean that person designated by the board of commissioners to administer and manager the water system.

(11) "Water services" shall mean the supplying of water from the water system.

(12) "Water system" shall mean the governmental or quasi-governmental body providing water to the Town of Graysville and surrounding areas by pumping said water from a source or sources to person using said water.

(13) "Working" shall mean functional. (Ord. # 1979-1, amendment # 1)

18-103. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay a service connection fee of twenty-five dollars (\$25.00) for

property owner and fifty dollars (\$50.00) per rental property occupants before service is supplied. The service connection fee shall be refundable. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the town to the applicant shall be limited to the return of any service connection fee made by such applicant. (Ord. # 1983-1, modified, as amended by Ord. #2005-4, Oct. 2004)

18-104. Service charges for temporary service and transfer fee.

(1) Temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service.

(2) Transfer fee. All existing customers requiring a transfer of service from one location to another shall first be required to pay a transfer fee in the amount of \$15.00 for administrative costs associated with the transfer. (as amended by Ord. #1999-2, May 1999)

18-105. Connection and reconnection charges.

(1) Connection charges. Service lines will be laid by the town from its mains at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new water or sewer service line will be laid by the town, the applicant shall pay a nonrefundable connection charge of four hundred twenty-five dollars (\$425.00) per connection for the first twenty-five feet of service line from the water main. There will be an additional charge of five dollars (\$5.00) per lineal foot for each foot of service line laid beyond the initial twenty-five (25) feet.

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

(2) Reconnection charges. Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a \$25.00 reconnection charge. (Ord.

# 1979-1, § 2; Ord. # 1985-4; Ord. # 1992-1, modified; as replaced by Ord. #97-3, July 1997; and Ord. #1999-3, June 1999)

18-106. Water and sewer main extensions.<sup>1</sup> Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

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

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

18-107. Water and sewer main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

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

18-108. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

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<sup>1</sup>Municipal code reference

Construction of building sewers: title 18, chapter 2.

18-109. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

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

The town will also make a test or inspection of its meters at the request of the customer. However, if a test required by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge to cover all costs including but not limited to testing costs, labor and shipping charges. If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (as amended by Ord. #2001-4, Aug. 2001)

18-110. Multiple services through a single meter. No more than one family dwelling or business entity shall be attached to or serviced by a single water meter for any meter installed or replaced after August 3, 1998. (Ord. 1982-5, modified, as replaced by Ord. #1998-1, Aug. 1998)

18-111. Customer billing and payment policy. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members. Failure to receive a bill will not release a customer from payment obligation.

Payment must be received in the water and sewer department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 4:30 P.M.

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

18-112. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

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

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

(2) Prevention and abatement of nuisances. (a) Prior to the installation of water service with the town's water system, a person requesting permission for the tie-in shall give evidence to the supervisor of the water system that the premises to be served shall be connected to an adequate, working liquid waste disposal system. Upon presenting said evidence, the supervisor shall determine whether the user has an adequate, working liquid waste disposal system. If the supervisor finds said disposal system to be working and adequate, he shall authorize installation of water service to the premises. If the supervisor finds said disposal system to be inadequate or not working he shall refuse to authorize installation until said defects are corrected.

(b) If at any time subsequent to thirty (30) days following the second reading of this ordinance, the supervisor shall find that a user or a using premises does not have an adequate or working liquid waste disposal system, he shall immediately notify said user or the owner of said using premises by mail, after which time if the defect is not corrected, the supervisor shall terminate said user's use of the water system.

(c) In the event at anytime subsequent to thirty (30) days following the second reading of this ordinance, the supervisor shall find that a user or using premises does not have an adequate or working liquid waste disposal system and if he further finds that said defect poses an imminent hazard to the health of town, the supervisor shall immediately terminate said user's water use and notify him of same by mail.

(d) In the event of termination of water use pursuant to paragraph (b) and (c) of this section, the supervisor shall not reinstall water service until the defect shall have been corrected and all costs or termination and reinstallation of service shall be charged to the user.

(e) In the event the user fails to abate the nuisance, the town shall bring suit for the abatement of same, and all costs incurred in said suit, including but not limited to court costs and attorney's fees, shall be charged to the user and against the using premises.

(3) Termination of service for non-payment of charges; penalties.

(a) In the event any charge for any user shall be sixty (60) days in arrears, the supervisor shall terminate said service until said charges are paid, including the charge for termination and reinstallation of service and the supervisor shall notify the user of same.

(b) In the event any charge shall have been due for any user for ninety (90) days, all charges then due shall immediately become due and owing and the supervisor shall turn over to the town attorney for collection all such charges. The town attorney shall immediately file suit for collection of same, plus collection of court costs and a reasonable attorney's fee based upon the town attorney's hourly rate. At any time prior to a court hearing on said suit, the user may tender to the town attorney all charges sued for, plus court costs and a reasonable attorney's fee calculated at the town attorney's hourly rate and shall be absolved of any further liability for said suit.

(c) Upon collection of all outstanding charges, the supervisor may, at the request of the user, reinstall water service to the user.

(d) Liability for all charges due and owing shall attach to both the user and the owner of the using premises.

(4) Right to appeal. (a) At any time prior to the filing of suit pursuant to this chapter, a user may appeal any decision by the supervisor to the board of commissioners by giving notice of said appeal in writing to the town recorder, who shall immediately notify the mayor or mayor pro tempore, if the officer of mayor be vacant. The mayor or mayor pro tempore shall upon receipt of said notification cause to be called a meeting of the board no more than eight and no less than five days therefrom for the purpose of considering said appeal. At said meeting, the sole issue to be determined is whether or not the supervisor has acted arbitrarily or capriciously in his decision or action. A majority of those present and voting shall decide said issue. There shall no further appeal lie for said cause. If the board shall find in favor of the user, the decision or actions of the supervisor shall be reversed. If the board sustain the supervisor, said decision or actions shall not be reversed.

(b) Pending determination of an appeal brought by this section the decision or action of the supervisor is stayed; where the decision or action is pursuant to abating an imminent health hazard no stay shall lie pending appeal.

(5) No municipal liability. Nothing in this chapter shall be construed to create a cause of action against the supervisor or the Town of Graysville or any of its agents or employees.

18-113. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract



term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

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

18-114. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

18-115. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

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

18-116. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

18-117. Customer's responsibility for violations. Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

18-118. Supply and resale of water. All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town. No person shall obtain any alternate source of underground water supply within the town limits. (as amended by Ord. #2001-9, Nov. 2001)

18-119. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. Any person damaging the fire hydrants or any water works property of the town shall be liable for all damages. (Ord. dated Sept. 19, 1955, modified)

18-120. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

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

18-121. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains.

18-122. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten (10) days' written notice to cut off water service, the town has failed to cut off such service.
- (2) The town has attempted to cut off a service but such service has not been completely cut off.

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

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

18-123. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

18-124. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

18-125. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup>

18-126. Water pressure to newly developing property. The town will guarantee to the customer, 20 pounds of water pressure at the water meter, with a flow of 2 gallons per minute, as mandated by state law.

The location of such water meters shall be determined by the town. (as added by Ord. #97-6, Aug. 1997)

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<sup>1</sup>Administrative ordinances and regulations are of record in the office of the city recorder.

## CHAPTER 2

### OUTSIDE TOILETS

#### SECTION

18-201. Inspection.

18-202. Violation and penalty.

18-201. Inspection. The recorder of this town is empowered to inspect all outdoor toilets. (Ord. # 1980-9)

18-202. Violation and penalty. (1) The board of commissioners has the authority, on recommendation of the recorder, to bring a civil action to abate any nuisance caused by an outdoor toilet.

(2) The recorder may cite into city court any person owning or possessing an outdoor toilet constituting a nuisance.

(3) The city court of the Town of Graysville may impose a fine of no more than fifty dollars (\$50) a day for each day of the existence of such a nuisance against any person found guilty in said court of owning or possessing said nuisance. (Ord. # 1980-9)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY

SECTION

19-101. To be furnished by The Electric Power Board, Chattanooga, TN or the City of Dayton Electric, Dayton, TN.

19-101. To be furnished by The Electric Power Board, Chattanooga, TN or the City of Dayton Electric, Dayton, TN. Electricity shall be provided to the Town of Graysville and its inhabitants by The Electric Power Board, Chattanooga, TN or the City of Dayton Electric, Dayton, TN. The rights, powers, duties, and obligations of the Town of Graysville and its inhabitants, are stated in the agreements between the parties.<sup>1</sup> (as amended by Ord. #2000-1, Feb. 2000)

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<sup>1</sup>The agreements are of record in the office of the recorder.

## CHAPTER 2

GAS

## SECTION

19-201. To be furnished by Middle Tennessee Utility District, Dayton, Tennessee.

19-201. To be furnished by Middle Tennessee Utility District, Dayton, Tennessee. Gas service shall be provided to the Town of Graysville and its inhabitants by the Middle Tennessee Utility District, Dayton, Tennessee. The rights, powers, duties, and obligations of the Town of Graysville and its inhabitants, are stated in the agreements between the parties.<sup>1</sup>

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<sup>1</sup>The agreements are of record in the office of the recorder.

TITLE 20

MISCELLANEOUS

**[RESERVED FOR FUTURE USE]**

## ORDINANCE NO. 1\*

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION OF THE ORDINANCES OF THE TOWN OF GRAYSVILLE, TENNESSEE.

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

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

WHEREAS the Board of Commissioners of the Town of Graysville, 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 "Graysville Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF GRAYSVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Graysville Municipal Code," hereinafter referred to as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing or authorizing the establishment of a social security system or providing or changing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel,

\* Per telephone conversation 7/12/93.



passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

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

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

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.<sup>1</sup>

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

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<sup>1</sup>State law reference

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

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

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

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

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

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

Passed 1st reading 10/5, 1992

Passed 2nd reading 10/12, 1992

Andy Beene  
Mayor

Reese Beene  
Recorder