TOWN OF LOOKOUT MOUNTAIN, TENNESSEE

MAYOR

Ansley Moses

COMMISSIONERS

Jody Clark
Jim Kennedy
George McGee III
Scott McGinness

RECORDER

Alvin O. Moore
Preface

This code is the result of a comprehensive codification of the ordinances of the Town of Lookout Mountain, Tennessee.

The attention of the user is directed to the arrangement of the code 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 number is the title number followed by a hyphen, then the chapter number with the last two numbers showing the section number within the chapter, so that, 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 readily find all provisions in the code relating to any question that might arise.

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 for the code).
2. That one copy of every ordinance adopted by the town is furnished to MTAS after its adoption (see section 8 of the adopting ordinance).
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.
However, the way MTAS does municipal codes and code updates is under review; therefore, this procedure is subject to change in the near future.

The able assistance of Claudia S. Wolfenbarger, the MTAS Senior Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Mike Tallent
Senior Management Consultant
ORDINANCE ADOPTION PROCEDURES PRESCRIBED
BY THE TOWN CHARTER

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

ARTICLE IX

ORDINANCES

SECTION 1

ORDINANCES

Be it further enacted, That ordinances making appropriations shall be confined to the subject of appropriation. Any resolution may be passed and adopted on one (1) reading. Each ordinance shall be passed on two (2) separate days before the same is operative. Each ordinance must be in written form before its second and final reading

SECTION 2

PREVIOUS ORDINANCES

Be it further enacted, That all ordinances and resolutions now in force in said town shall be and remain in force unless they are in conflict with the provisions of this Act, in which event they shall be of no force or effect.
ADOPTION OF ORDINANCES IN LOOKOUT MOUNTAIN, TENNESSEE

Ordinances adopted by the Town of Lookout Mountain, Tennessee, should be adopted in accordance with the requirements of section 8 of the adopting ordinance in the Lookout Mountain Municipal Code. The following is a suggested format for drafting ordinances:

START OFF BY GIVING EACH ORDINANCE A NUMBER: ALL ORDINANCES SHOULD BE NUMBERED IN SEQUENCE: 1, 2, 3, ETC.

Ordinance No. _____

USE A CAPTION LIKE THE FOLLOWING WHEN THE ORDINANCE SHOULD BE ADDED TO THE CODE OR DEALS WITH SOMETHING IN THE CODE.

An ordinance to amend the "Lookout Mountain Municipal Code" by (State here what changes are to be made. Example: revising section 6-301.)

USE A CAPTION LIKE THE FOLLOWING WHEN THE ORDINANCE DOES NOT AFFECT THE CODE.

An ordinance to (State here what the ordinance does. Example: adopt an annual budget.)

USE THE FOLLOWING ORDAINING CLAUSE IN EVERY ORDINANCE.

Be it ordained by the Mayor and Board of Commissioners of the Town of Lookout Mountain, Tennessee, that:

NUMBER EACH SECTION OF THE ORDINANCE IN SEQUENCE: 1, 2, 3, ETC.

USE A SECTION LIKE THE FOLLOWING WHEN ADDING AN ENTIRE NEW CHAPTER TO THE CODE.

vi
Section _____. The following new chapter is added to title ____ in the "Lookout Mountain Municipal Code":

CHAPTER ____

__________________________

SECTION

-____. ____________________________.

-____. ____________________________

-____. ____________________________

-____. ____________________________

-____. ____________________________

-____. ____________________________

-____. ____________________________

USE A SECTION LIKE THE FOLLOWING WHEN ADDING A NEW SECTION TO THE CODE.

Section _____. The following new section is added to the "Lookout Mountain Municipal Code":

-____. ____________________________

-____. ____________________________

-____. ____________________________

USE A SECTION LIKE THE FOLLOWING WHEN DELETING A SECTION OF THE CODE AND NOT REPLACING IT.

Section _____. Section ____-_____ of the "Lookout Mountain Municipal Code" is hereby deleted in its entirety.
USE A SECTION LIKE THE FOLLOWING WHEN CHANGING A SECTION IN THE CODE.

Section ____. Section ___-____ of the "Lookout Mountain Municipal Code" is revised in its entirety to read as follows:

___-____. _________________________________. __________________

________________________________________________________________________

________________________________________________________________________

USE THIS FINAL SECTION IN EVERY ORDINANCE.

Section ____. This ordinances shall take effect upon adoption, the public welfare requiring it.

PASS ALL ORDINANCES ON TWO READINGS.

Passed _________________________________, 19___.

Passed _________________________________, 19___.

HAVE ALL ORDINANCES SIGNED BY THE MAYOR AND CLERK.

_________________________

Mayor

_________________________

Clerk
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TITLE 1

ADMINISTRATION, OFFICERS AND PERSONNEL

CHAPTER
1. MAYOR AND BOARD OF COMMISSIONERS.
2. MAYOR.
3. ASSISTANT TREASURER.
4. POLICE AND ARREST.
5. TOWN COURT.
6. SOCIAL SECURITY.
7. WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS.
8. PERSONNEL REGULATIONS.
9. TENNESSEE HOMECOMING ’86 BOARD.

CHAPTER 1

MAYOR AND BOARD OF COMMISSIONERS

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

1-101. Time and place of regular meetings. The mayor and board of commissioners shall hold regular monthly meetings at 4:30 P.M. on the 2nd Tuesday of each month at the Town Hall.

1 Charter references
See the charter index, the charter itself, and footnote references to the charter in the front of this code.
Municipal code references
Building, plumbing and electrical inspectors: title 4.
Fire department: title 7.
Zoning: title 11.

2 Charter references
Articles III and IV.
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 by a majority vote of the members present:

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

1-103. **General rules of order.** The rules of order and parliamentary procedure contained in *Robert’s Rules of Order, Revised*, shall govern the transaction of business by and before the mayor and 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.
CHAPTER 2

MAYOR

SECTION
1-201. Generally supervises town's affairs.
1-203. To be bonded.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities.

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of commissioners.

1-203. To be bonded. The mayor and such other officials, officers and/or employees as the board of mayor and commissioners may designate by resolution shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the mayor and board of commissioners.

\[1\]Charter reference
   Article IV.
CHAPTER 3

ASSISTANT TREASURER

SECTION

1-301. To be bonded.
1-303. To perform general administrative duties, etc.

1-301. To be bonded. The assistant treasurer shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the mayor and board of commissioners.

1-302. Financial duties. The assistant treasurer shall collect, receive and receipt taxes and all other revenues of the town, including the proceeds of its bond issues; provide a report of the condition of the treasury to the treasurer once a month and at such other times as he directs; and shall perform all other financial duties prescribed for the assistant treasurer in the charter and by the mayor and board of commissioners.

1-303. To perform general administrative duties, etc. The assistant treasurer shall perform all administrative duties for the mayor and board of commissioners and for the town which are not assigned by the charter, this code, or the mayor and board of commissioners to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers.

1Charter reference
Article IV.
CHAPTER 4

POLICE AND ARREST

SECTION

1-401. Policemen subject to chief’s orders.
1-402. Policemen to preserve law and order, etc.
1-403. When policemen to make arrests.
1-404. Disposition of persons arrested.
1-405. Police department records.

1-401. **Policemen subject to chief’s orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue.

1-402. **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.

1-403. **When policemen to make arrests.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

1. Whenever he is in possession of a warrant for the arrest of the person.
2. Whenever an offense is committed or a breach of the peace is threatened in the officer’s presence by the person.
3. Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it.

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1 The town has a public safety department and all references to the police chief shall mean and be the same as references to the chief of public safety. Likewise, all references to policemen or police officers shall mean and be the same as references to public safety officers.

Municipal code reference

**Issuance of citation in lieu of arrest in traffic cases:** title 9, chapter 7.

2 Municipal code reference

**Issuance of citation in lieu of arrest in traffic cases:** title 9, chapter 7.
1-404. 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 ordinances 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.

1-405. 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.
CHAPTER 5

TOWN COURT

SECTION

1-501. Town judge.
1-503. Issuance of arrest warrants.
1-504. Issuance of summonses.
1-505. Issuance of subpoenas.
1-506. Appearance bonds authorized.
1-507. Imposition of fines, penalties, and costs.
1-508. Appeals.
1-509. Bond amounts, conditions, and forms.
1-510. Disposition and report of fines, penalties, and costs.
1-511. Disturbance of proceedings.

1-501. Town judge. (1) Appointment and term. The town judge designated by the charter to handle judicial matters within the town shall be an attorney licensed to practice law in Tennessee and shall be appointed by the Mayor and Board of Commissioners and shall serve at their will and pleasure.

1-502. 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.

1-503. Issuance of arrest warrants. The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

1 Charter reference
   Article VII.

2 State law reference
   For authority to issue arrest warrants see Tennessee Code Annotated,
   title 40, chapter 5.
1-504. **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 town 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 town 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.

1-505. **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.

1-506. **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 town court clerk, or in the absence of the town 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.

1-507. **Imposition of fines, penalties, and costs.** All fines, penalties, and costs shall be imposed and recorded by the town judge on the town court docket in open court.

In all cases heard or determined by him, the town judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions for similar work in state cases.\(^1\)

1-508. **Appeals.** Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days\(^2\) next after such judgment

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\(^1\)State law reference

Tennessee Code Annotated, section 8-21-401.

\(^2\)State law reference

is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

1-509. Bond amounts, conditions, and forms. An appearance bond in any case before the town 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 town 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.

1-510. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the mayor and 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.

1-511. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.
CHAPTER 6
SOCIAL SECURITY

SECTION
1-601. Policy and purpose as to coverage.
1-602. Necessary agreements to be executed.
1-603. Withholdings from salaries or wages.
1-604. Appropriations for employer's contributions.
1-605. Records and reports.
1-606. Exemptions from coverage.

1-601. 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. (Ord. adopted 8/13/51)

1-602. 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. (Ord. adopted 8/13/51)

1-603. 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. (Ord. adopted 8/13/51)

1-604. 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. (Ord. adopted 8/13/51)

1-605. Records and reports. The clerk shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (Ord. adopted 8/13/51)
1-606. 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. (Ord. adopted 8/13/51)
CHAPTER 7

WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS

SECTION
1-701. Applicability of chapter.
1-702. Work attendance.
1-703. Holidays.
1-704. Vacation leave.
1-705. Sick leave.
1-706. Absence without leave.
1-707. Absence without pay.
1-708. Leave without pay.

1-701. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees, except those operating under the jurisdiction of a school, utility or other separate board or commission.

1-702. Work attendance. All full-time employees of the town shall be in attendance at their regular work and at their regular place of work as may be designated by the department head under whose supervision such employees shall work. The head of every town department shall keep a daily attendance record of the employees working under such supervisor and shall report the same to the mayor.

1-703. Holidays. (1) Except and in addition to such other holidays as may be from time-to-time declared by the mayor and board of commissioners, the following days shall be official holidays for employees, except fire and police department employees, of the Town of Lookout Mountain.

<table>
<thead>
<tr>
<th>Holiday Name</th>
<th>Holiday Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year's Day</td>
<td>January 1st of each year</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Last Monday in May of each year</td>
</tr>
<tr>
<td>Independence Day</td>
<td>July 4th of each year</td>
</tr>
<tr>
<td>Labor Day</td>
<td>First Monday in September of each year</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Fourth Thursday in November of each year</td>
</tr>
</tbody>
</table>
Christmas Day  December 25th of each year

(2) The employees of the Department of Public Works are granted one floating holiday per year in addition to those listed above.

(3) When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, and when a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

(4) All full-time employees of the town shall be compensated for any holiday granted in this chapter or otherwise designated by the mayor and board of commissioners by receiving eight (8) hours off with pay on the date of the holiday. However, in the interest of continuing essential municipal services, any town employee may be required to work on any holiday. Working on any holiday is a condition of employment for all town employees. Employees who are required to work on any holiday shall be paid double their regular pay for each hour they work on that holiday.

(5) No employee shall be authorized to work on a holiday without the prior command or approval of the head of the department for whom the employee works. However, the mayor and board of commissioners may from time to time prescribe such other rules, regulations and limitations on overtime work as it desires.

(6) Any employee who is absent without leave on any working day immediately preceding or immediately following any holiday shall not be entitled to be paid for such holiday.

(7) Days off for holidays will be counted as eight hours worked for computation of overtime.

1-704. Vacation leave. (1) All regular and full-time employees of the town who have been employed by the town for one full year of continuous service shall be allowed vacation leave time with pay according to the following schedule:

<table>
<thead>
<tr>
<th>PUBLIC WORKS</th>
<th>Annual Vacation</th>
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<tbody>
<tr>
<td>Years of Service</td>
<td>Leave Time</td>
</tr>
<tr>
<td>1 year</td>
<td>40 hours</td>
</tr>
<tr>
<td>2 years and over</td>
<td>80 hours</td>
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FIRE AND POLICE

Annual Vacation
<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Leave Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year</td>
<td>10 twenty-four hour periods</td>
</tr>
<tr>
<td>5 years</td>
<td>12 twenty-four hour periods</td>
</tr>
<tr>
<td>10 years</td>
<td>14 twenty-four hour periods</td>
</tr>
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**DISPATCHERS**

<table>
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<tr>
<th>Years of Service</th>
<th>Leave Time</th>
</tr>
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<tbody>
<tr>
<td>1 year</td>
<td>2 shifts (96 hours)</td>
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**ASSISTANT TREASURER**

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Leave Time</th>
</tr>
</thead>
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<tr>
<td>1 year</td>
<td>40 hours</td>
</tr>
<tr>
<td>10 years and over</td>
<td>80 hours</td>
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**POLICE CHIEF**

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Leave Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year</td>
<td>*160 hours plus 5 kelly days</td>
</tr>
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**DEPARTMENT HEADS**

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Leave Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year</td>
<td>80 hours</td>
</tr>
<tr>
<td>15 years and over</td>
<td>*160 hours</td>
</tr>
</tbody>
</table>

* Of this 160 hours, 80 hours must be taken and up to 80 may be paid in lieu of vacation.

For vacation leave purposes the term "working day" as it applies herein shall be computed on an eight (8) hour basis except for fire and police employees which shall be computed on a twenty-four (24) hour basis.
(2) Vacation leave compensation shall be computed at the employee's regular straight time pay rate in effect as of the date that the vacation leave time is earned.

(3) The date of service to be used in determining vacation leave time accrual rate is the beginning date of the employee's current period of continuous service or the date on which the employee was initially employed or appointed, whichever is more recent.

(4) An employee shall not be eligible to take vacation leave until he or she has had one (1) year continuous employment.

(5) Vacation leave may not be taken before it is earned.

(6) Temporary, casual or part-time employees are not eligible for accrual of vacation leave.

(7) For vacation purposes, any reinstated employee shall be considered as a new employee regardless of the reason for separation.

(8) Earned vacation leave may be taken in whole or in part throughout the year at such times as may be approved by the head of the department for which such employee works. No less than one (1) day may be taken at any one time. In the case of employees who handle receipt of payments of taxes, water bills, court fines, or other funds being paid over to the town, such employees shall not take any vacation time of less than five (5) days at one period.

(9) Any official holiday falling within a period of vacation leave shall be charged as holiday leave rather than vacation leave.

(10) Any regular, full-time employee who is separated from employment with the town for any reason, including retirement, may receive terminal vacation leave pay for any unused portion of his or her accumulated vacation leave up to the limit of vacation leave allowed to be accumulated under this chapter.

1-705. Sick leave. (1) After employment of ninety (90) days, all full-time employees of the town shall be allowed to accumulate sick leave with pay at the rate of five (5) working days for each year of service completed up to an unused maximum of thirty (30) working days. Sick leave shall be considered a benefit and privilege and not a right for employees to use at their discretion. Employees shall, therefore, utilize their accumulated sick leave allowance for absences due to personal illness or physical incapacity, personal illness or physical incapacity within the immediate family of the employee (as defined in paragraph 3 below), enforced quarantine of the employee in accordance with community health regulations, disability resulting from pregnancy, childbirth or related medical conditions, or so as to keep an appointment with a licensed medical doctor, dentist or other recognized health care practitioner.

(2) The mayor and board of commissioners may, in its discretion, prescribe regulations requiring that a health care practitioner's certificate or
other satisfactory evidence be filed with the town supporting the absence before it may be properly chargeable as sick leave.

(3) For sick leave purposes the term "working day" as it applies in this section shall be computed on an eight (8) hour basis, fire and police twenty-four (24) hour basis. The term "immediate family" shall be defined as spouse, children, parents, brothers and sisters, and grandparents, both of the employee and spouse of the employee.

(4) Sick leave compensation shall be figured at the employee's straight time pay rate in effect at the date it is used by the employee.

(5) The date of service to be used in determining sick leave time accrual rate is the beginning date of the employee's current period of continuous service or the date on which the employee was initially employed or appointed, whichever is more recent.

(6) Sick leave shall begin to accrue on the first day of the month next following the first full ninety (90) days of employment.

(7) Temporary, casual or part-time employees are not eligible for accrual of sick leave.

(8) For sick leave purposes any reinstated employee shall be considered as a new employee regardless of the reason for his or her separation.

(9) Any employee who abuses these sick leave provisions or who deliberately makes or causes to be made any false or misleading statement or claim concerning the same, shall be subject to the loss of any such benefits, dismissal from his or her employment with the town or other disciplinary action.

(10) Any employee of the town who is injured when engaging in his employment for the town may be carried on sick leave for any accumulated sick leave that he or she has to his or her credit, but in no case shall any employee be allowed to receive sick leave pay while drawing any worker's compensation or other disability payments resulting from any benefit provided by the town.

1-706. Absence without leave. An absence without leave is an absence from duty which was not authorized or approved and for which either a request for leave was not made by the employee, or when made such request was denied. Under such circumstances any employee may be subject to such disciplinary action, including termination from employment with the town, as the mayor and board of commissioners deems necessary or appropriate.

1-707. Absence without pay. An absence without pay is an absence which may or may not have been known and which has resulted from suspension, abandonment of position, or leave without pay granted by the town. The heads of all departments shall be responsible for maintaining accurate records of any employee who is absent from duty for any reason and shall promptly report the same to the mayor.
1-708. **Leave without pay.** A regular or part-time employee who is in good standing may be granted a leave without pay for a period not to exceed ninety (90) calendar days in any one calendar year upon the approval of the mayor and board of commissioners. Maternity leave without pay, for women employees who have completed employment of ninety (90) days, may be granted for a period not to exceed forty-two (42) days in any one calendar year upon the approval of the mayor and board of commissioners.
CHAPTER 8

PERSONNEL REGULATIONS

SECTION
1-801. Applicability of chapter.
1-802. Acceptance of gratuities.
1-803. Outside employment.
1-804. Political activity restricted.
1-805. Use of municipal time, facilities, etc.
1-806. Use of position.
1-807. Strikes.

1-801. Applicability of chapter. This chapter shall apply to all full-time town officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission.

1-802. Acceptance of gratuities. No town officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business.

1-803. Outside employment. No full-time officer or employee of the town shall continue any outside employment if the work interferes with the satisfactory performance of the officer's or employee's duties. In addition, no such employee shall accept any outside employment if the work is incompatible with his town employment, or is likely to cast discredit upon, or create embarrassment for, the town.

1-804. Political activity restricted. The following prohibitions and restrictions on political activities shall apply to all town officers and employees, except for elected officers:

(1) In elections for town and Hamilton County offices. No town officer or employee, whether on or off duty, whether in or out of uniform, and whether on or off town property, shall at any time or any place

(a) Become a candidate for, or campaign for, an elective town or Hamilton county office.

(b) Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate for town or Hamilton county office.
(c) Organize, sell tickets to, promote or actively participate in a fund-raising activity of a candidate for town or Hamilton county office.

d) Take an active part in managing the political campaign of a candidate for town or Hamilton county office.

e) Solicit votes in support of or in opposition to a candidate for town or Hamilton county office.

(f) Act as a clerk, watcher, challenger or similar officer at the polls on behalf of a candidate for town or Hamilton county office.

g) Drive voters to the polls on behalf of a candidate for town or Hamilton county office.

(h) Endorse or oppose a candidate for town or Hamilton county office in a political advertisement, broadcast, campaign literature or similar material.

(i) Address a rally or similar gathering of the supporters or opponents of a candidate for town or Hamilton county office.

(j) Initiate or circulate a nominating petition for a candidate for town or Hamilton county office.

(k) Wear campaign buttons, pins, hats or any other similar attachment, or distribute campaign literature in support or opposition to a candidate for town or Hamilton county office.

(2) In all other elections for public office. No town officer or employee, whether on or off duty, whether in or out of uniform, and whether on or off town property, shall at any time or any place

(a) Become a candidate for, or campaign for, an elective public office.

(b) Take an active part in managing the political campaign of a candidate for public office.

(c) Directly or indirectly solicit, receive or collect contributions or other funds for a candidate for public office.

(d) Sell tickets to a fund-raising activity of a candidate for public office.

(e) Engage in any of the other political activities enumerated in paragraph (1) above except while they are off duty and otherwise on their own time, and while they are not in a town uniform, and while they are in places other than on town property.

(3) Leaves of absence. Leave of absence will not be granted to town officers or employees to engage in any of the political activities enumerated in paragraph (1) and (2) above.

Nothing in this section is intended to prohibit any town officer or employee from privately expressing his or her political views or from casting his or her vote in all elections.
1-805. **Use of municipal time, facilities, etc.** No town officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group.

1-806. **Use of position.** No town officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

1-807. **Strikes.** No town officer or employee shall participate in any strike against the town.
CHAPTER 9

TENNESSEE HOMECOMING ’86 BOARD

SECTION
1-901. Board created.
1-902. Term, purpose, authority.
1-903. Liability.

1-901. **Board created.** There is hereby created a Board of the Town of Lookout Mountain, Tennessee Homecoming ’86 Fund. The board shall consist of three (3) members, one of which shall be the Mayor of the Town of Lookout Mountain. The remaining two (2) members of the board shall be appointed by the Mayor and Board of Commissioners of the Town of Lookout Mountain, Tennessee to serve terms of two (2) years or until their successors are appointed and have accepted the position. (Ord. adopted 01/13/86)

1-902. **Term, purpose, authority.** The board shall remain in existence so long as there are funds to administer and/or projects deemed appropriate by the board for the board to pursue. The board shall meet at such intervals as may be deemed appropriate or necessary, it being presumed that the discretion of the members of the board shall dictate the activity of the board. The board shall have complete discretion as to the expenditure of fund assets and the selection of projects and activities for the fund and the board to pursue. The board shall delegate responsibilities among themselves. (Ord. adopted 01/13/86)

1-903. **Liability.** Neither the Town of Lookout Mountain nor the Mayor, Board of Commissioners or any agent of employer of the town shall incur any liability whatsoever by reason of the creation or operation of the board. (Ord. adopted 01/13/86)
TITLE 2
ALCOHOLIC BEVERAGES\(^1\)

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1
INTOXICATING LIQUORS

SECTION

2-101. Prohibited generally. Except as authorized by applicable laws\(^2\) and/or ordinances, it shall be unlawful for any person to manufacture, sell, 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. (Ords. adopted 3/17/07, 4/29/33, 6/13/33, 12/7/54, 6/7/55 and 6/5/61, modified)

\(^1\)Municipal code references
   Driving under the influence: section 9-104.
   Public drunkenness, etc., title 10 chapter 2.
State law reference
   Tennessee Code Annotated, title 57.

\(^2\)State law reference
CHAPTER 2

BEER

SECTION

2-201. Prohibited generally.

2-201. Prohibited generally. Except as authorized by applicable laws,\(^1\) and/or ordinances, it shall be unlawful for any person to manufacture, sell, furnish, or solicit orders for, any beer within this town. "Beer" shall be defined to include all beers, ales, or malt liquor bearing an alcoholic content of not more than five percent (5%) by weight. However, nothing in this chapter shall prohibit the mayor and board of commissioners to allow the sale and consumption of beer at festivals and civic functions, as determined and approved by the mayor and board of commissioners. (Ords. adopted 3/17/07, 4/29/33, 6/13/33, 12/7/54, 6/7/55 and 6/5/61, modified)

\(^{1}\)Municipal code reference
  Public drunkenness: title 10, chapter 2.
State law reference
  For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).
TITLE 3

ANIMALS AND FOWLS

CHAPTER
1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION
3-101. Running at large prohibited.
3-102. Keeping near a residence or business restricted.
3-103. Pen or enclosure to be kept clean.
3-104. Adequate food, water, and shelter, etc., to be provided.
3-105. Keeping in such manner as to become a nuisance prohibited.
3-106. Cruel treatment prohibited.
3-107. Seizure and disposition of animals.

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. adopted 5/15/02, amended 5/12/14, modified)

3-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line. (Ord. adopted 5/12/14, modified)

3This title replaces in its entirety ordinances adopted 5/12/14, 5/15/62, 7/9/74 and 10/20/87.
3-103. **Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

3-104. **Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

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

3-106. **Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl.

3-107. **Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the mayor and board of commissioners. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the mayor and board of commissioners.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the mayor and board of commissioners, to cover the costs of impoundment and maintenance. (Ord. adopted 5/12/14, modified)
CHAPTER 2

DOGS AND CATS

SECTION

3-201. Rabies vaccination and registration required.
3-202. Dogs and cats to wear tags.
3-203. Registration.
3-204. Registration fee.
3-205. Running at large prohibited.
3-206. Vicious dogs to be securely restrained.
3-207. Noisy dogs prohibited.
3-208. Confinement of dogs and cats suspected of being rabid.
3-209. Seizure and disposition of dogs and cats.
3-210. Destruction of vicious or infected dogs and cats running at large.

3-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, sections 68-8-101 through 68-8-114) or other applicable law. (Ord. adopted 3/14/72, amended 7/9/74, modified)

3-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat, for a period of five (5) consecutive days, which does not wear a tag evidencing the vaccination and registration required by the preceding section. (Ord. adopted 3/14/72, amended 7/9/74, modified)

3-203. Registration. The owner of every dog over the age of three (3) months, and the owner of every cat over the age of six (6) months, shall register such dog or cat annually with the Police Department. Such registration shall expire on the first day of May of each year. No dog or cat may be registered until the owner presents satisfactory evidence of the animal's inoculation or vaccination against rabies within the calendar year in which registration is requested.

The Police Department shall issue a license tag for each dog or cat registered, containing a registration number of the Town of Lookout Mountain and the year of registration. Such tag shall be fastened to the collar of the dog or cat. It shall be unlawful for any person to use a tag on a dog or cat for which a tag was not issued. (Ord. adopted 3/14/72, amended 7/9/74)
3-304. **Registration fee.** The owner of each dog or cat registered shall pay to the town a fee of three dollars ($3.00) for each dog or cat registered by the Town of Lookout Mountain. A penalty of one dollar ($1.00) shall be charged for all late registrations after the expiration date of May 1. (Ord. adopted 3/14/92, amended 7/9/74, 10/20/87, modified)

3-205. **Running at large prohibited.** It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog or cat to run at large, including the owner of the dog or cat, may be prosecuted under this section even if the dog or cat is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. adopted 3/14/72, amended 7/9/74, modified)

3-206. **Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons.

3-207. **Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood.

3-208. **Confinement of dogs and cats suspected of being rabid.** If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (Ord. adopted 3/14/72, amended 7/9/74, modified)

3-209. **Seizure and disposition of dogs and cats.** Any dog or cat found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the mayor and board of commissioners. If the dog or cat is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within fourteen (14) days and redeem his dog or cat

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1State law reference
by paying an arrest fee of twenty-five dollars ($25.00) and board for each day of detention at the rate of five dollars ($5.00) per day or any portion thereof. The owner of any unregistered dog or cat impounded may claim and redeem it upon compliance with the registration provisions of this chapter and payment of the registration fee required by this chapter in addition to the impoundment fees of this section. Upon a second offense the arrest fee shall be twenty-five ($25.00) and upon third and subsequent offenses if shall be ($50.00). If the dog or cat is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within seven (7) days or unless it is redeemed by a person other than the owner within seven (7) days after compliance with the registration and fee provisions of this chapter. Such person shall furnish two (2) satisfactory references and sign a written agreement that the dog or cat will be cared for humanely and returned to the pound if the poundkeeper so demands. Such person shall also agree that in the event the owner of such dog or cat claims it within a period of thirty (30) days, upon demand of the poundkeeper and the payment by the owner to the poundkeeper for the use and benefit of such person of the fee and board paid out by such person and board for the period that such person has cared for the dog or cat at one dollar ($1.00) per day, such dog or cat will be returned to the poundkeeper, who shall return it to the owner. Dogs and cats shall not be released to persons other than their owners for any other purpose that to serve as pets or watchdogs. (Ord. adopted 3/14/72, amended 7/9/74, modified)

3-210. Destruction of vicious or infected dogs and cats running at large. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded it may be summarily destroyed by any policeman\(^1\) or other properly designated officer. (Ord. adopted 3/14/72, amended 7/9/74, modified)

\(^1\)State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).
TITLE 4

BUILDING, UTILITY AND HOUSING CODES

CHAPTER
1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. MINIMUM HOUSING STANDARDS.

CHAPTER 1

BUILDING CODE

SECTION
4-102. Modifications.
4-103. Available in clerk’s office.
4-104. Violations.

4-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-516, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code 1991 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (Ord. adopted 4/11/74, sec. 1, modified)

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1 Municipal code references
Fire protection, fireworks, and explosives: title 7.
Health and sanitation: title 8.
Planning and zoning: title 11.
Streets and other public ways and places: title 12.
Utilities and services: title 13.

2 Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
4-102. Modifications. (1) Definitions.
   (a) Wherever the words, "Board of Adjustment and Appeals," appear herein, substitute the word, "Commission."
   (b) Wherever the words "Director of Public Works," appear herein, substitute the words, "Commissioner of Streets and Sanitation."
   (c) The words, "Building Department," as used herein, mean "Department of Fire and Police," or such other applicable Department as may be created or designated by the Commission.
   (d) Wherever the words, "Department of Law," appear herein, substitute the words, "Town Attorney."
   (e) Wherever the words, "Administrative Authority," appear herein, substitute the word, "Commission."

(2) Other amendments.
   (a) In Section 101.5.1, after the word, "repairs," insert the word, "improvements."
   (b) In Section 103, after the word "repair," insert the words, "paint, perform maintenance, construct improvements."
   (c) Strike Section 105 in its entirety.

(3) Permit fees. The recommended schedule of permit fees set forth in Appendix "K" of the building code is adopted. (Ord. adopted 4/11/74, secs. 3 and 4, modified)

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

4-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (Ord. adopted 4/11/74, sec. 6, modified)
CHAPTER 2

PLUMBING CODE

SECTION
4-201. Plumbing code adopted.
4-202. Modifications.
4-203. Available in clerk's office.
4-204. Violations.

4-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the town water or sewerage system, the Standard Plumbing Code, 1991 edition as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. adopted 4/11/74, sec. 1, modified)

(a) The words, "Plumbing Inspection Department" and "Department," as used herein mean "Department of Fire and Police," or such other Department as may be created or designated by the Commission.
(b) Whenever the words "Department of Law" or "Law Department," appear herein, substitute the words "Town Attorney."
(c) Wherever the words, "Administrative Authority," appear herein, substitute the word, "Commission."
(2) Other Amendments.
(a) Strike Section 105 in its entirety.

1 Municipal code references
Street excavations: title 12.
Water and sewer system administration: titles 8 and 13.

2 Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
(3) Permit fees. The schedule of permit fees as recommended in "Appendix H" of the plumbing code is hereby adopted. (Ord. adopted 4/11/74, secs. 2 and 3, modified)

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

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

ELECTRICAL CODE

SECTION
4-301. Electrical code adopted.
4-302. Available in clerk's office.
4-303. Permit required for doing electrical work.
4-304. Violations.
4-305. Enforcement.
4-306. Fees.

4-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electric Code, 2 1990 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (Ord. adopted 4/11/74, sec. 1, modified)

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

4-303. Permit required for doing electrical work. No electrical work shall be done within this town until a permit therefor has been issued by the town. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (Ord. adopted 4/11/74, sec. 6, modified)

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

2Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.
4-304. **Violations.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code.

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

4-306. **Fees.** The electrical inspector shall collect the same fees as are authorized in *Tennessee Code Annotated*, section 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal. (Ord. adopted 4/11/74, sec. 10, modified)
CHAPTER 4

MINIMUM HOUSING STANDARDS

SECTION
4-401. Purpose.
4-402. Scope, applicability and conflict.
4-403. Definitions.
4-404. Minimum housing standards.
4-405. Inspections and right of entry.
4-406. Notice of violations.
4-407. Effect of non-compliance.
4-408. Designation of dwelling as unfit for human habitation--procedures.
4-409. Effect of designation of dwelling as unfit for human habitation.
4-410. Designation of building or dwelling as dangerous and a public nuisance--procedures.
4-411. Effect of designation of building or dwelling as dangerous and a public nuisance.
4-412. Emergency cases.
4-413. Assistance of town attorney.
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4-401. **Purpose.** The purposes of this chapter are to provide for the public health, safety and welfare by the establishment and enforcement of minimum housing standards to the end that all dwellings within the Town of Lookout Mountain shall be safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare and shall not constitute a blighting or deteriorating influence upon the town or any of its areas; to establish the responsibilities of owners, operators and occupants with respect to such minimum housing standards, to authorize the inspection of dwellings, to establish compliance with such minimum housing standards; to establish procedures for the enforcement of such minimum housing standards, to authorize the vacation or condemnation of dwellings not in compliance with
such minimum housing standards; and to provide penalties for the violation of such minimum housing standards. (Ord. adopted 8/21/79)

4-402. Scope, applicability and conflict. (1) The requirements imposed by this chapter shall be in addition to any and all other applicable requirements imposed by other ordinances and regulations of the Town of Lookout Mountain.

(2) This chapter is applicable to occupancy for residential purposes of any building, whether or not such building was erected, altered or converted in full or substantial compliance with the laws in force at the time of its erection, alteration or conversion and, except as hereinafter provided, whether or not such building was erected, altered or converted prior to the effective date of the chapter.

(3) In the event restrictions imposed by this chapter are either more restrictive or less restrictive than comparable restrictions imposed by any other provisions of any other ordinances of the town or of any other law, resolution, rule or regulations those which are more restrictive shall be deemed to govern. (Ord. adopted 8/21/79)

4-403. Definitions. For the purpose of this chapter all terms used herein shall have the same meaning as given them in the following chapters.

(1) "Municipality" shall mean the Town of Lookout Mountain, Tennessee, and the areas encompasses within existing town limits or as hereafter annexed.

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

(3) "Public officer" shall mean the officer or officers of the fire and police department 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 the mayor and board of commissioners or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(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 other 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. (Ord. adopted 8/21/79)
4-404. Minimum housing standards. (1) Minimum standards. No person shall occupy as an owner-occupant or shall let to another for occupancy any dwelling or dwelling unit which does not comply with the standards set forth in title 4 of the Lookout Mountain Municipal Code.

(2) Garbage and rubbish disposal facilities. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following minimum standards for garbage and rubbish disposal facilities:

(a) Facilities to be supplied. Every dwelling and dwelling unit shall be supplied with facilities for the temporary storage and disposal of garbage and rubbish.

(b) Maintenance. The facilities required by subsection (a) above shall be maintained in a good, non-leakable condition, capable of being tightly sealed, and as clean as possible.

(c) Disposal and storage of garbage and rubbish. The disposal and storage of garbage and rubbish shall be in accordance with all applicable provisions of any law of the town and all premises shall be kept free from any debris, objects, material or condition which may create a health, accident or fire hazard, or which is a public nuisance, or which constitutes a blighting or deteriorating influence on the neighborhood.

(3) Protection from insects, rodents and pests. No person shall occupy as an owner-occupant nor let to another for occupancy any dwelling or dwelling unit which is not maintained free of conditions conductive to the breeding of or infestation by rodents, insects or pests.

(4) General maintenance. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following minimum standards for general maintenance:

(a) General.

(1) All dwellings and dwelling units and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which they or any feature thereof were designed or intended to be used.

(2) Every supplied facility, piece of equipment or utility which is required under this chapter and every chimney and smokepipe, shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

(3) No owner, operator or occupant shall cause any service facilities, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued from any occupied dwelling or dwelling unit let or occupied by him, except such temporary interruption as may be necessary while
actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the chief of fire and police.

(b) **Exterior surfaces.** All exterior surfaces of any dwelling or accessory structure shall be reasonably capable of withstanding the effects of the elements and decay. Any exterior surface which is deteriorated, decaying, disintegrating, or which has weathered with dirt and grime or which has lost its capability to reasonably withstand the effects of the elements and decay through peeling or flaking of the paint or other protective coating, shall be repaired, repainted or resurfaced.

(c) **Interior walls and ceilings.** Every interior wall and ceiling shall be substantially rodent-proof shall be free of holes and large cracks and any flaking, peeling, loose or deteriorated paint, plaster, wallboard, paneling or other material; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. No lead-base paint shall be applied to any interior wall or ceiling. Bathroom and kitchen walls shall have waterproof surfaces where necessary to prevent water damage.

(d) **Stairways and porches.** Every inside and outside stairway and porch and every appurtenance thereto shall be maintained in a good state of repair and free from rotting, loose or deteriorating supports, rails, floors, and stairs so as to be safe to use and capable of supporting the loads that normal use may cause to be placed thereon.

(e) **Accessory structures.** All garages, tool sheds and all other accessory structures shall be kept in good repair so as not to be unsafe or become a harborage for rats and other rodents. Fences and roadside mailboxes shall be maintained in good repair, solid and in the same condition required for other exterior surfaces. Television antennae shall be firmly and securely fastened to the dwelling and shall be maintained in good repair.

(f) **Accumulation of debris.** The interior areas of dwellings and dwelling units, including basements, attics and other storage areas, and the premises and accessory buildings associated therewith, shall be maintained free of any debris, object, material or condition which does or may create a hazard to the health or safety of persons, in conducive to infestation, presents a fire hazard or constitutes a blighting or deteriorating influence on the neighborhood.

(g) **Vegetation.** No premises shall contain uncontrolled growths of vegetation and all trees, hedges and other plantings shall be kept trimmed so as to avoid interference with persons or vehicles passing on public ways, easements or adjoining private property. (Ord. adopted 8/21/79)
4-405. **Inspections and right of entry.** (1) **Inspections authorized.** The chief of fire and police may make regular inspections to determine the condition of buildings, dwellings, dwelling units, rooming units and premises located within the town for the purpose of safe-guarding the health and safety of all occupants and of the general public. The chief of fire and police may make such inspections whenever he shall deem such an inspection necessary; provided, however, that such inspections must be made at reasonable times and upon reasonable notice to, and with the consent of, the owner or operator and the occupant, except when an existing emergency requires immediate action.

(2) **Legal process not required.** Except where the owner or operator or occupant refuses entry, an order of court, subpoena or other legal process shall not be necessary to any entry, examination or survey in connection with the inspections authorized by this section.

(3) **Inspection upon warrant.** Whenever the chief of fire and police or his delegate, after presentation of proper credentials and request for entry to inspect, is refused access to any building, dwelling, dwelling unit or rooming unit, the chief of fire and police is authorized to petition any judge for the issuance of a search warrant authorizing the inspection of such building, dwelling, dwelling unit or rooming unit for the purpose of making such inspections as shall be necessary to the enforcement of the provisions of this chapter.

(4) **Owner's right of entry.** Every occupant of a building, dwelling, dwelling unit or rooming unit shall give the owner thereof, or his agent or employee, access to any part of such building, dwelling, dwelling unit or rooming unit, or its premises, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter. Entry pursuant to this subsection shall be made only at reasonable times and after reasonable notice to the occupant unless an existing emergency requires immediate action. (Ord. adopted 8/21/79)

4-406. **Notice of violations.** (1) **Notice required.** Whenever in the opinion of the chief of fire and police any violation of the provisions of this chapter is found to exist, he shall, within ten days after discovery thereof, serve written notice of such alleged violation upon the owner, operator or occupant responsible therefor.

(2) **Method of service.** Notice shall be given either by personal service or by mailing a copy thereof to the alleged violator by certified mail, return receipt requested, at his last known address or, in the event neither of these is effective to actually notify the alleged violator, by posting a copy thereof in a conspicuous place in or about the building containing the alleged violation.
(3) **Required contents.** Such notice may include more than one alleged violation shall demand compliance with this chapter; and shall specify a period of time for compliance, which shall be such time as, in the opinion of the chief of fire and police, is reasonably required to effect changes necessary for compliance.

(4) **Permissible contents.** Such notice may contain an outline of remedial action which if taken will effect compliance with the provisions of this chapter and with any rules and regulations adopted pursuant thereto. (Ord. adopted 8/21/79)

4-407. **Effect of non-compliance.** If any alleged violation, of which notice has been given in conformity with section 4-406, is not corrected or eliminated within the time specified in such notice, then:

(1) **Violator subject to penalty.** The responsible owner, operator or occupant shall be subject to the penalty provisions as set out in section 5 of the adopting ordinance of this municipal code of ordinances.

(2) **Designation of dwelling as unfit for human habitation.** The dwelling, dwelling unit or rooming unit shall be designated as unfit for human habitation in accordance with the procedures established by section 4-408.

(3) **Designation of dwelling as dangerous and a public nuisance.** Where the alleged violations are of such a nature or extent that, in the opinion of the chief of fire and police, they render the building, dwelling, dwelling unit, rooming unit, or any part thereof, unsafe and dangerous to the life, safety, morals or the general health and welfare of the occupants or the residents of the town, or where the building, dwelling, dwelling unit, rooming unit, or part thereof, is uncompleted or has been abandoned, the chief of fire and police shall declare and designate the building, dwelling, dwelling unit, rooming unit, or part thereof, as dangerous and a public nuisance in accordance with the procedures of section 4-410.

(4) **Removal of debris.** The chief of fire and police may provide for the removal of garbage and debris from private property when the owner of such property, after notice pursuant to section 4-406, refuses or neglects to remove such garbage and debris, and may collect from such owner the reasonable cost thereof. This cost is a lien upon the real estate affected, superior to all subsequent liens and encumbrances, except tax liens, if within 60 days after such cost and expense is incurred the town clerk, in the name of the town, files notice of lien in the office of the Register of Deeds in Hamilton County. The notice of lien shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien shall not be valid as to any purchaser whose rights in and to
such real estate have arisen subsequent to removal of the garbage and debris and
prior to the filing of such notice, and the lien shall not be valid to any
mortgagee, judgment creditor or other lienor whose rights in and to such real
estate arise prior to the filing of such notice. Upon payment of the cost and
expense by the owner of or persons interested in such property after notice of
lien has been filed, the lien shall be released by the Town of Lookout Mountain
and the release may be filed of record as in the case of filing notice of lien. The
lien may be enforced by proceedings to foreclose as in case of mortgages or
mechanics' liens. Suit to foreclose this lien shall be commenced within 2 years
after the date of filing notice of lien.

(5) Exception. No person acting as managing agent or collector of
rents of any property involved in any proceeding because of violations or alleged
violations of the provisions of this chapter shall be liable therefor if such person
shall, within five (5) days after receipt of notice of any alleged violations or of
summons, have notified the owner or owners of the property, or the employer of
such person, of the purported violation or violations of any provision or
provisions of this chapter in writing, by certified mail, return receipt requested,
and shall have delivered to the chief of fire and police a copy of such notice, with
proof of service thereof on the owner or owners or the employer of such person.
(Ord. adopted 8/21/79)

4-408. Designation of dwelling as unfit for human habitation--
procedures. Whenever any dwelling, dwelling unit or rooming unit is subject
to designation as unfit for human habitation under the provisions of section
4-407(2), the chief of fire and police shall carry out such designation in
compliance with the following procedures:

(1) Notice and placarding. The chief of fire and police shall serve
notice of the designation of the dwelling, dwelling unit or rooming unit as unfit
for human habitation upon the owner, operator and occupant thereof. Service
shall be by certified mail, return receipt requested, and by posting of a placard
at each entrance of the affected dwelling, dwelling unit or rooming unit.

(2) Contents. The notices and placards required by subsection (1)
hereof shall state that the affected dwelling, dwelling unit or rooming unit is by
such notice or placard declared to be unfit for human habitation in accordance
with the provisions of this chapter; shall state the specified uncorrected
violations of this chapter leading to such designation and the person or persons
responsible for the correction thereof; and shall order the affected dwelling,
dwelling unit or rooming unit to be vacated within a specific reasonable period
of time as determined by the chief of fire and police, which may be immediately
where conditions exist presenting immediate hazards to human life, health or
safety. Such notices and placards shall further state the right of any aggrieved
person to file an appeal pursuant to section 4-415 of this chapter within 30 days of the date of the receipt of such notice.

(3) Defacing or removing placard. No person shall deface or remove the placard required by subsection (1) hereof from any dwelling, dwelling unit or rooming unit which has been designated as unfit for human habitation and placarded as such, except as provided in section 4-409(2) of this chapter. (Ord. adopted 8/21/79)

4-409. Effect of designation of dwelling as unfit for human habitation.

(1) Vacation required. Any dwelling, dwelling unit or rooming unit designated as unfit for human habitation shall be vacated within the time specified by the chief of fire and police pursuant to the provisions of section 4-408 of this chapter.

(2) Conditions for resumption of human habitation. No dwelling, dwelling unit or rooming unit which has been designated as unfit for human habitation in accordance with section 4-408 of this chapter shall again be used for human habitation until written approval is secured from, and the placard so designating it is removed by, the chief of fire and police, who shall remove such placard only when the defects upon which the designation was based have been eliminated, and after the dwelling, dwelling unit or rooming unit has been inspected and found to comply in all respects with the requirements of this chapter. (Ord. adopted 8/21/79)

4-410. Designation of building or dwelling as dangerous and a public nuisance—procedures. Whenever any building, dwelling, dwelling unit, rooming unit, or any part thereof, is subject to designation as dangerous and a public nuisance under the provisions of section 4-407(3) of this chapter, the chief of fire and police shall carry out such designation in compliance with the following procedures:

(1) Notice and placarding. The chief of fire and police shall serve notice of the designation of the building, dwelling, dwelling unit, rooming unit, or part thereof, as dangerous and a public nuisance, upon the owner, operator, occupant and lienholders of record. Service shall be by certified mail, return receipt requested, and by posting a placard at each entrance of the affected building, dwelling, dwelling unit or rooming unit. Where the identity or whereabouts of the owner or lienholder cannot be ascertained, notice mailed to the person or persons in whose name the premises were last assessed shall be sufficient notice.

(2) Contents. The notices and placards required by subsection (1) hereof shall state that the affected building, dwelling, dwelling unit or rooming unit, or part thereof, is by such notice or placard declared to be dangerous and a public nuisance in accordance with the provisions of this chapter; shall state
the specific alleged uncorrected violations of this chapter deemed sufficient to justify such designation; and shall further state that such designation may result in an order for demolition. Such notice shall require the party to appear before the chief of fire and police, at a hearing to be held at a specified place and time, not less than 10 days following the date of the notice, to show cause why the designated building, dwelling, dwelling unit, rooming unit, or part thereof, should not be vacated and repaired or demolished in accordance with the provisions of this chapter.

(3) **Defacing or removing placard.** No person shall deface or remove the placard required by subsection (1) hereof from any building, dwelling, dwelling unit, rooming unit, or part thereof, which has been designated as dangerous and a public nuisance, except as provided in section 4-411(5) of this chapter.

(4) **Hearing and findings.** At the appointed time and place, the chief of fire and police shall hear such testimony as the interested parties shall offer relative to the designated building, dwelling, dwelling unit, rooming unit, or part thereof, and shall, based on such testimony and his investigation, make written findings of fact as to whether the building, dwelling, dwelling unit or rooming unit is properly designated as dangerous and a public nuisance. (Ord. adopted 8/21/79)

4-411. **Effect of designation of building or dwelling as dangerous and a public nuisance.** (1) **Order.** Upon a finding pursuant to section 4-410 that the building, dwelling, dwelling unit, rooming unit, or part thereof, has been properly designated as dangerous and a public nuisance, the chief of fire and police shall issue an order to the owner, operator, occupant and lienholders of record, commanding the owner to vacate and repair or demolish the building, dwelling, dwelling unit, rooming unit, or part thereof; authorizing any lienholder of record to demolish such building, dwelling, dwelling unit, rooming unit, or part thereof, at his own risk to prevent the attachment of a town lien, as provided in subsection (4) hereof; and shall authorize any person so notified to vacate or repair such building, dwelling, dwelling unit, rooming unit, or part thereof.

(2) **Petition to circuit court.** Unless the designated building, dwelling, dwelling unit, rooming unit, or part thereof, shall have been vacated and the repair or demolition thereof commenced within 15 days of the issuance of an order pursuant to subsection (1) hereof, the Mayor and Board of Commissioners of the town shall petition the circuit court of the county in which the premises are located, for an order requiring such vacation and authorizing such demolition or repair.

(3) **Repair or demolition by town.** Upon receipt of an order of court authorizing such action, the chief of fire and police shall cause the designated
building, dwelling, dwelling unit, rooming unit, or part thereof, to be repaired or demolished, as the facts may warrant, by the town. Provided, however, that where the chief of fire and police finds it to be in the best interest of the town and its residents, he shall notify the Mayor and Board of Commissioners of the town and request them to take all actions necessary to compel repair or demolition by the owner, including the application for an injunction.

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(4) **Lien for repairs or demolition.** The costs of any vacation, repair or demolition undertaken pursuant to this chapter by the town, or any lienholder of record, shall be recoverable from the owner of the premises and shall be a lien upon such premises.

(5) **Conditions for resumption of use.** No building, dwelling, dwelling unit, rooming unit, or part thereof, which has been designated as dangerous and a public nuisance in accordance with section 4-410 of this chapter shall again be used for any purpose until and unless written approval is secured from, and the placard so designating it is removed by the chief of fire and police, who shall remove such placard only when the defects upon which the designation was based have been eliminated, and after the building, dwelling, dwelling unit, rooming unit, or part thereof, has been inspected and found to comply in all respects with the requirements of this chapter. (Ord. adopted 8/21/79)

4-412. **Emergency cases.** In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a building, dwelling, dwelling unit, rooming unit, or part thereof, is immediately repaired or demolished, the chief of fire and police shall request the mayor and board of commissioners to waive all provisions of sections 4-405 through 4-415 and to proceed directly to secure a demolition order, and the mayor and board of commissioners may, in their discretion, so proceed. (Ord. adopted 8/21/79)

4-413. **Assistance of town attorney.** Whenever any person fails, refuses or neglects to obey an order issued pursuant to this chapter or in any other manner does not comply with the duties imposed upon him by this chapter, the chief of fire and police may notify the town attorney of the circumstances and request the town attorney to institute such legal action as may be required to effect compliance. (Ord. adopted 8/21/79)

4-414. **Imposition of penalty no bar to legal action.** The imposition of any penalty pursuant to this chapter shall not preclude the town from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a building, dwelling or dwelling unit; to require compliance with the provisions of this chapter or other applicable laws,
ordinances, rules or regulations, or the orders and determinations of the chief of fire and police. (Ord. adopted 8/21/79)

4-415. **Appeals.** Appeals may be taken to the Board of Commissioners of the Town of Lookout Mountain, by the following persons, at the following times, in the following manner, and with the following effects:

1. **Scope of appeal.** An appeal may be taken from any decision of the chief of fire and police, made pursuant to the authority conferred by this chapter, which finds a violation of any provision of this chapter; designates any dwelling, dwelling unit or rooming unit unfit for human habitation or dangerous and a public nuisance; orders the vacation, repair or demolition of any dwelling, dwelling unit or rooming unit; refuses to authorize the resumption of human habitation in any dwelling, dwelling unit or rooming unit; interprets this chapter; or which in any other manner adversely affects an owner, operator or occupant of a dwelling, dwelling unit or rooming unit subject to the provisions of this chapter.

2. **Persons entitled to appeal.** Any person aggrieved by a decision within the scope of subsection (1) hereof may appeal from such decision.

3. **Time for appeal.** An appeal shall be commenced within 30 days of the date of the receipt of notice of the decision appealed from. Appeals not commenced within such time shall be deemed waived.

4. **Commencement of appeal.** An appeal under this section 4-415 shall be commenced by filing with the chief of fire and police a notice of appeal, specifying the grounds thereof, and by filing said appeal and a copy of said notice of appeal with the mayor. The chief of fire and police shall forthwith transmit to the mayor all of the papers constituting the records upon which the decision from which appeal has been taken was made. The notice of appeal and the appeal itself shall be filed in such number of copies, be in such form, and contain such information as the board may provide from time to time by general rule.

5. **Stay pending appeal.** An appeal shall stay all proceedings in furtherance of the decision appealed from and all duties imposed thereby, unless the chief of fire and police certifies to the board of commissioners, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate hazards to human life, health or safety; in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or a court of record upon application following notice to the chief of fire and police and upon due cause shown. Any stay in effect pursuant to this subsection (e) shall continue until a decision on the appeal is rendered pursuant to subsection (6) hereof.
(6) **Action on appeal.** The board shall select a reasonable time and place for a public hearing on the appeal, shall give due notice thereof to the parties having a known interest therein and shall render a written decision without unreasonable delay. Upon the concurring vote of a majority of its members then holding office, the board may reverse or affirm, in whole or in part, or may modify, the decision from which the appeal was taken, and to that end the board shall have all the powers of the chief of fire and police with respect to such decision. (Ord. adopted 8/21/79)

4-416. **Notice of suspected abandonment.** (1) Whenever a dwelling has been unoccupied for a period of 60 days, the Town of Lookout Mountain shall serve written notice upon the owner and any operator, lessee, or mortgagee of the dwelling unit that the dwelling unit may be designated as an abandoned dwelling unit within 30 days after service of the notice required by this section.

(2) **Method of service.** Notice shall be given by personal service or by mailing a copy thereof to the owner and any operator, or lessee or mortgagee of the suspected abandoned dwelling unit by certified mail, return receipt requested, at his or her last known address. In the event that notice by mail is ineffective to effect actual notice to the owner, or to any operator, lessee or mortgagee of the dwelling unit, notice of the suspected abandonment shall be published in a newspaper of general circulation in the area and a copy of the notice required by this section shall be posted in a conspicuous place on or about the suspected abandoned dwelling unit.

(3) **Required contents.** Such notice shall inform the owner, and any operator, lessee or mortgagee of the suspected abandoned dwelling unit that unless the dwelling unit is reoccupied within 30 days after service of the notice required by this section, the dwelling unit shall be designated as an abandoned dwelling unit and shall be posted as such and subject to reinspection and the issuance of an occupancy permit in the manner provided herein. (Ord. adopted 8/21/79)

4-417. **Effect of notice.** If a suspected abandoned dwelling unit is not reoccupied within 30 days after service of the notice required by section 4-416, the dwelling unit shall be designated as an abandoned dwelling unit. (Ord. adopted 8/21/79)

4-418. **Designation of dwelling units as an abandoned dwelling unit.** Whenever any dwelling unit is subject to designation as an abandoned dwelling unit, the chief of fire and police shall carry out such designation in compliance with the following procedures:

(1) **Notice and placarding.** The chief of fire and police shall service notice of the designation of the dwelling unit as an abandoned dwelling upon
the last owner, and operator, lessee or mortgagee. Service shall be certified mail, return receipt requested, and by posting a placard at each entrance of the affected dwelling unit. Where the identity or whereabouts of the owners, operators, lessee or mortgagee cannot be ascertained, notice shall be mailed to the person or persons to whom the last tax bill was mailed.

(2) Contents. The notices and placards required by subsection (1) hereof shall state that the affected dwelling unit is by such placard declared to be an abandoned dwelling unit within the meaning of section 4-416; and shall further state that inspection of the abandoned dwelling unit by the chief of fire and police shall be required prior to occupancy of the dwelling unit by an owner, operator or lessee and that it is unlawful to reoccupy an abandoned dwelling unit unless and until an occupancy certificate for such dwelling unit has been issued by the chief of fire and police. Such notice shall state that any person intending to occupy the abandoned dwelling unit shall notify the chief of fire and police 5 days prior to occupancy of the abandoned dwelling unit.

(3) It shall be unlawful to remove or deface the placard required by subsection (1) hereof from any dwelling unit which has been designated as an abandoned dwelling unit, except as provided in section 4-419 of this chapter. (Ord. adopted 8/21/79)

4-419. Effect of designation of dwelling unit as abandoned dwelling unit.

(1) Any dwelling unit designated as an abandoned dwelling unit shall be subject to inspection by the chief of fire and police prior to occupancy of the dwelling unit.

(2) No dwelling unit which has been designated as an abandoned dwelling unit in accordance with section 4-418 shall again be used for any purpose until and unless written approval is secured from, and the placard so designating the dwelling unit as an abandoned dwelling unit is removed by the chief of fire and police, who shall remove such placard only after the dwelling unit has been inspected.

(3) The chief of fire and police shall not issue an occupancy permit for the abandoned dwelling unit unless and until the abandoned dwelling unit has been inspected and found to comply in all respects with the requirements of this ordinance. (Ord. adopted 8/21/79)

4-420. Fee for inspection of abandoned dwelling unit. The fee for inspection of an abandoned dwelling unit shall be $15.00. (Ord. adopted 8/21/79)

4-421. Nuisances. Definitions. (1) "Nuisance." Whenever the word "nuisance" is use in this article it shall mean any act which the common law
classifies as a nuisance, or any act declared a nuisance by any ordinance or by a statute of the State of Tennessee.

(2) "Nuisances prohibited." It shall be unlawful for any person to cause a nuisance, or to permit a nuisance to continue under his control, or to fail to abate any nuisance after notification or recognition of its existence.

(3) "Specific nuisances." Any one or more of the following shall be deemed to be and are hereby declared nuisances:

(a) Obstructing any water course or source of water supply of town.
(b) Pollution of any course, pool, or source of water supply in the town.
(c) Any stagnant pool of water.
(d) Any uncovered piles of garbage or refuse of any kind.
(e) Any buried garbage or refuse of any kind buried within the town.
(f) Any building or structure in such a condition as to be dangerous to the public in any way.
(g) Spitting or expectorating on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited.
(h) Any infestation of rats and vermin.
(i) Any accumulation on any property of debris, objects, materials, or condition which may create a health, accident or fire hazard, or which constitutes a blighting or deteriorating influence on the neighborhood.

(4) "Smoke and particulate matter." The emission of dense smoke or particulate matter in violation of this code is hereby declared to be a public nuisance. It shall be unlawful for any person to cause or to knowingly permit the emission of smoke or particulate matter from any fire, chimney, engine, oil burner or from any other source in the town in violation of this chapter.

(5) "Dust prevention." Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like, shall be kept to a minimum (within the particulate matter weight standards above) by landscaping, paving, oiling, fencing, cutting of weeds or other appropriate means.

(6) "Odors." It shall be unlawful to cause or to knowingly permit the emission of objectionable or hazardous odors in such quantities as to be readily detectable to an average observer at any point on the boundary line of any premises or beyond.

(7) "Abandoned ice boxes and refrigerators." It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any
dwellings, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, snap-lock or other locking device which may not be released from the inside, without first removing said door or lid, snap-lock or other locking device from said ice box, refrigerator or container.

(8) "Further restrictions."

Nothing contained herein shall be construed as limiting those requirements of federal or state laws, rules or regulations or of the Zoning Ordinance and other provisions of the Town of Lookout Mountain which regulate more strictly any of the subjects of this chapter.

(9) "Abatement of nuisances."

If the person in control of any nuisance fails to abate the same within 10 days after notification by the chief of fire and police, the chief of fire or police is hereby authorized to cause the abatement of said nuisance in any reasonable manner, and is further authorized to add the cost of such abatement to any fine due under the violation of this chapter. (Ord. adopted 8/21/79)

4-422. Severability. It is hereby declared to be the intent of the Town of Lookout Mountain that the several provisions of this chapter are separable in accordance with the following rules:

(1) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgement shall not affect any other provisions of this chapter.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or structure, such judgment shall not affect the application of the said provision to any other property, building or structure. (Ord. adopted 8/21/79)
TITLE 5
BUSINESSES, PROFESSIONS AND OCCUPATIONS

CHAPTER
1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.

CHAPTER 1
PEDDLERS, SOLICITORS, ETC.

SECTION
5-102. Exemptions.
5-103. Permit required.
5-104. Permit procedure.
5-105. Restrictions on peddlers, street barkers and solicitors.
5-106. Restrictions on transient vendors.
5-107. Display of permit.
5-108. Suspension or revocation of permit.
5-109. Expiration and renewal of permit.
5-110. Violation and penalty.

5-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

1Municipal code references
   Building, plumbing, wiring and housing regulations: title 4.
   Health and sanitation: title 8.
   Liquor and beer regulations: title 2.
   Noise reductions: title 10.
   Zoning: title 11.

This chapter is loosely based on, and replaces in their entirely, ords. adopted 4/23/12, 1/7/58, 5/7/63, 10/10/70, 10/18/88, 11/28/88.

2Municipal code references
   Privilege taxes: title 6.
   Trespass by peddlers, etc.: section 10-801.
(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.

(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" organization for charitable or religious organizations.

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

(6) "Street barker," means any peddler who does business during recognized festival or parade days in the 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.

5-102. Exemptions. The terms of this chapter shall not 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.

5-103. 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

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1State law references

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 67-4-709(a)(19). 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).
solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter.

5-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the town clerk 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 solicitation, 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.

(g) Solicitors or canvasing people must obtain a permit fifteen (15) days prior to the planned solicitation or canvas. Each permit application must contain the name of the organization for whom the solicitation or canvas is being conducted and the number and names of the persons to be actively canvassing the properties and the dates on which the canvas is to be conducted.

(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 clerk 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 clerk, the town clerk shall submit to the chief of police a copy of the application form and the permit.
5-105. 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 blue circular sticker or decal is displayed on the property.
6. Door to door canvassing of the residents of the town for the purpose of dissemination of ideas or of the solicitation of funds for support of ideas shall be limited to the hours between 9:00 am prevailing time and the earlier of thirty minutes after official sunset or 5:30 pm prevailing time.
7. Conduct commercial sales door to door.

5-106. 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, canceled 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.

5-107. 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.

5-108. Suspension or revocation of permit. (1) Suspension by the clerk. The permit issued to any person or organization under this chapter may be suspended by the town clerk 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 mayor and board of commissioners. The permit issued to any person or organization under this chapter may be suspended or revoked by the mayor and 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 clerk 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.

5-109. 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.

5-110. 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

YARD SALES

SECTION
5-201. Prohibited generally.
5-202. Estate sales.

5-201. Prohibited generally. It shall be unlawful for any person to conduct any sale of personal property commonly known as a "yard" or "garage" sale, whether located outside or within any part of a residence or other building located within the town's residential zones. (Ord. adopted 10/10/78, secs. I and II)

5-202. Estate sales. Estate sales are not included in the definition of yard sales, and are not prohibited. To conduct an estate sale the individual in charge of the sale must obtain a traffic control permit from the chief of police at least ten (10) days prior to the sale. There is no charge for the permit, however the cost for traffic control shall be calculated, charged, and collected at the time the permit is issued.
TITLE 6
FINANCE AND TAXATION

CHAPTER
1. REAL AND PERSONAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. CARTA PRIVILEGE TAXES.

CHAPTER 1

REAL AND PERSONAL PROPERTY TAXES

SECTION
6-101. When due and payable.  
6-102. When delinquent--penalty and interest.

6-101. When due and payable.¹ Taxes levied by the town against real and personal property shall become due and payable annually on the first day of October of the year for which levied.

¹Charter reference 
   Article X.
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.
6-102. When delinquent—penalty and interest. All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.

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1Charter reference
   Article X.
State law reference
   Tennessee Code Annotated, section 67-1-801(c) 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.

2Charter reference
   Article X.
State law reference
   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.
   (3) By the county trustee under Tennessee Code Annotated, section 67-5-2005.
CHAPTER 2

PRIVILEGE TAXES

SECTION
6-201. Tax levied.
6-202. License required.

6-201. 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, title 67, chapter 58) 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. (Ords. adopted 6/18/71 and 8-10-71)

6-202. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the clerk to each applicant therefor upon the applicant's payment of the appropriate privilege tax.
CHAPTER 3

CARTA PRIVILEGE TAXES

SECTION
6-301. Intent and purpose.
6-302. Levy of tax.
6-303. Rate of tax.
6-304. Collection of tax.
6-305. Tax cumulative.
6-306. Supplemental to other laws.

6-301. Intent and purpose. It is the intent and purpose of this chapter to authorize the Town of Lookout Mountain to impose a tax on the sale of all tickets within the Town of Lookout Mountain for rides on the Incline Railway, collectible by CARTA at the time of issuance of the tickets, so as to insure and require that persons responsible for the need to provide additional municipal services share in the burdens by paying their fair share of the cost of new and expanded public services related to tourist traffic.

6-302. Levy of tax. The sale of tickets within the Town of Lookout Mountain for rides on the Incline Railway is declared to be a privilege upon which a tax shall be due in an amount not to exceed the rate set forth in section 6-303.

6-303. Rate of tax. For the exercise of the privilege described herein, there is imposed a tax on the charge for tickets for rides upon the Incline Railway not to exceed a percentage of the total charge for the ticket equal to the maximum permissible combined state and local option sales tax. The rate is initially set at seven-and-one-quarter percent (7-1/4%).

6-304. Collection of tax. The tax imposed in this chapter shall be collected at the time of sale of the ticket and segregated as such.

6-305. Tax cumulative. The imposition of this privilege tax on the sale of tickets within the Town of Lookout Mountain for rides on the Incline Railway

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1This chapter is authorized by chapter 170 of the Private Acts of 1988 of the State of Tennessee.
is in addition to all other authority to impose taxes, fees, assessments, or other revenue raising measure of granted either by private acts of the State of Tennessee and the imposition of such tax, in addition to any other authorized tax, fees, assessments or charges shall not be deemed to constitute double taxation.

6-306. Supplemental to other laws. The provisions of this chapter shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to the Town of Lookout Mountain. This chapter shall be deemed to create an additional and alternative method for the Town of Lookout Mountain to impose and collect taxes for public purposes.
TITLE 7
FIRE PROTECTION, FIREWORKS AND EXPLOSIVES

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

CHAPTER 1
FIRE DISTRICT

SECTION
7-101. Fire district described.

7-101. **Fire district described.** The corporate fire district shall be as follows:

The same as the Neighborhood Commercial District defined in "The Lookout Mountain Zoning Ordinance" adopted June 13, 1972, to wit: Beginning at the intersection of Watauga Lane and Scenic Highway, north along Watauga Lane to the Town Common, formerly known as the W. I. Stoner and J. M. Noland land, east along the south line of the Town Common to Scenic Highway, south along Scenic Highway to the point of beginning. (Ord. adopted 4/11/74, sec. 2)

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1 Municipal code reference
Building, utility and housing codes: title 4.

2 The significance of the fire district is that Chapter III of the Standard Building Code, applicable to the Town of Lookout Mountain through title 4 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits Hazardous (Group H) occupancies within the fire district. Chapter IV, Section 408 of the Standard Building Code defines Hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.
CHAPTER 2

FIRE CODE

SECTION

7-201. Fire code adopted.
7-203. Definition of "municipality."
7-204. Storage of explosives, flammable liquids, etc.
7-205. Gasoline trucks.
7-206. Variances.
7-207. Violations and penalties.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code, 2 1988 edition as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, section 6-54-502, one (1) copy of the fire prevention code has been filed with the town clerk and are available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. adopted 8/11/70, sec. 1, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal.

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Lookout Mountain, Tennessee.

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1Municipal code reference

Building, utility and housing codes: title 4.

2Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.
7-204. **Storage of explosives, flammable liquids, etc.** (1) The district referred to in section 1901.42 of the fire prevention code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(2) The district referred to in section 902.1.1 of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(3) The district referred to in section 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(4) The district referred to in section 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in section 7-101 of this code.

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

7-206. **Variances.** The chief of the fire department may recommend to the mayor and board of commissioners variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the mayor and board of commissioners.

7-207. **Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the mayor and board of commissioners or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions.
CHAPTER 3

FIRE DEPARTMENT

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

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the mayor and board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the mayor and board of commissioners shall appoint.

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

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and

\[\text{The town has a public safety department and all references to the fire chief shall mean and be the same as references to the chief of public safety. Likewise, all references to firemen shall mean and be the same as references to public safety officers.}
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Municipal code reference
Special privileges with respect to traffic: title 9, chapter 2.
regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the mayor and board of commissioners.

7-304. **Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor as the mayor requires. The mayor shall submit a report on those matters to the mayor and board of commissioners as the mayor and board of commissioners requires.

7-305. **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 mayor and board of commissioners.

7-306. **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.
CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION
7-401. Restrictions on fire service outside town limits.

7-401. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the mayor and board of commissioners has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of


¹State law references
Tennessee Code Annotated, Section 58-2-601 et seq., as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

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

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

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

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

State law references
Tennessee Code Annotated, section 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with individual fire departments to furnish one another with firefighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide the latter with firefighting assistance. (3) Provide fire protection outside their city limits to either areas or citizens on an individual contractual basis whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided.

Tennessee Code Annotated, section 12-9-101 et seq. is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.
CHAPTER 5

FIREWORKS

SECTION
7-501. Sale and manufacture and discharge of fireworks prohibited.

7-501. Sale and manufacture and discharge of fireworks prohibited. It shall be unlawful for any person, firm or corporation to sell, or offer for sale, any firecrackers or other fireworks within the corporate limits of the Town of Lookout Mountain. It shall also be unlawful for any person to discharge or explode any firecracker or other fireworks, within such corporate limits. (Ord. adopted 2/15/33 and ord. adopted 4/1/58, modified)
TITLE 8

HEALTH AND SANITATION

CHAPTER
1. MISCELLANEOUS.
2. REFUSE.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CONTROL AND ERADICATION OF KUDZU.
5. AIR POLLUTION CONTROL.
6. ABANDONED PROPERTY AND VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION
8-101. Smoke, soot, cinders, etc.
8-102. Stagnant water.
8-103. Weeds.
8-104. Overgrown and dirty lots.
8-105. Dead animals.
8-106. Health and sanitation nuisances.

8-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business.

8-102. 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.

8-103. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the

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1Municipal code references
   Animals and fowls: title 3.
   Littering streets, etc.: section 12-107.
town clerk or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (Ord. adopted 8/5/47, sec. 1, modified)

8-104. Overgrown and dirty lots.¹ (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 accumulation 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) Limitation on application. The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.²

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

(4) Notice to property owner. It shall be the duty of the department or person designated by the mayor and 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 8-104 of the Lookout Mountain 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.

¹Municipal code reference
Title 4, chapter 4.

²Municipal code reference
Owner-occupied property: section 8-106.
(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remediying 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.

(5) **Clean-up at property owners’ 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 mayor and 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. The cost shall be a lien upon the property in favor of the town, which costs shall be placed upon the tax rolls of the as a lien upon the property, and shall be collected in the same manner as the town’s taxes are collected.

(6) **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 mayor and board of commissioners. The appeal shall be filed with the town clerk within ten (10) days following the receipt of the notice issued pursuant to subsection (4) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) **Judicial review.** Any person aggrieved by an order or act of the public officer or of the mayor and board of commissioners under this section 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.

(8) **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 debris, trash, litter, or garbage or any combination of the preceding elements. (Ord. adopted 7/7/42, modified; ord. adopted 8/5/47, modified)

8-105. **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 clerk and dispose of such animal in such manner as the clerk shall direct.
8-106. **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.
CHAPTER 2

REFUSE

SECTION
8-201. Refuse defined.
8-202. Premises to be kept clean.
8-203. Storage.
8-204. Location of containers.
8-205. Disturbing containers.
8-206. Collection.
8-207. Collection vehicles.
8-208. Disposal.
8-209. Refuse collection fees.

8-201. 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. adopted 7/9/68, sec. 2, modified)

8-202. 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.

8-203. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the handles mechanically. Furthermore, except for containers which the handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. (Ord. adopted 7/9/68, sec. 5)

8-204. Location of containers. Streets are used by the town refuse collectors, therefore, 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. (Ord. adopted 7/9/68, sec. 5)

8-205. **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.

8-206. **Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the streets and sanitation superintendent. Collections shall be made regularly in accordance with an announced schedule.

8-207. **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.

8-208. **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 mayor and board of commissioners is expressly prohibited.

8-209. **Refuse collection fees.** Refuse collection fees shall be at such rates as are from time to time set by the mayor and board of commissioners by ordinance or resolution.¹

¹Administrative ordinances and resolutions are of record in the office of the city recorder.
CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION
8-301. Definitions.
8-302. Places required to have sanitary disposal methods.
8-303. Connection to the public sewer.
8-304. When a septic tank shall be used.
8-305. Registration and records of septic tank cleaners, etc.
8-306. Approval and permit required for septic tanks.
8-307. Owner to provide disposal facilities.
8-308. Occupant to maintain disposal facilities.
8-309. Only specified methods of disposal to be used.
8-310. Discharge into watercourses restricted.
8-311. Pollution of ground water prohibited.
8-312. Enforcement of chapter.
8-313. Violations.

8-301. Definitions. The following definitions shall apply in the interpretation of this chapter.

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Superintendent." Superintendent of streets and sewers.

(3) "Human excreta." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms

¹This chapter replaces in its entirety the sewer disposal ordinance adopted 8/13/68 as amended by ordinances adopted 3/14/72, 5/15/73 and 8/11/87.

Municipal code reference

Plumbing regulations: title 4.

Other provisions relating to the administration and operation of the sewer system: title 13.
the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health and Environment as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently.

8-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta.

8-303. Connection to the public sewer. (1) Requirements for proper wastewater disposal. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed.

(2) Physical connection public sewer. All connections from residences, commercial establishments, stores and other structures, to the sewerage service lines provided by the Town of Lookout Mountain shall be in accordance with the provisions of the Southern Standard Building Code, Part III, Plumbing, the provisions of which are incorporated herein by reference, and shall also be in accordance with the following specifications:

(a) Materials for pipe, fittings and connections shall be:

(1) Cast iron soil pipe with poured lead or gasket type joints, or,
(2) Extra strength vitrified clay pipe with P.V.C. gasket type joints.

(b) Cast iron soil pipe shall be manufactured in accordance with the following specifications:

CS-188: ASTM A74; USASI A112.5.2; WW-P-401c and CISPI HS-67.
(c) Vitrified clay pipe shall be manufactured in accordance with ASTM Designation C 200, latest revision, for extra strength pipe.

(d) House sewer lines shall be at least four inches in diameter. Trench excavations shall extend six inches below the invert of the pipe free of stones, sharp points or debris. The pipe bedding shall consist of a well compacted layer of fine material (dirt, sand, or gravel).

(e) House sewer lines shall be laid on a straight line, sloping uniformly from the sanitary sewer at the building toward the sewer connection at the property line.

(f) Sewer lines shall be laid upstream, starting at the existing hub of the service line, by first connecting a six inch by four inch reducer to the hub. The use of a cast iron adapter is required when cast iron pipe is to be installed. Next to the reducer there shall be installed a four inch by four inch straight "T", for a cleanout, and then successive lengths of four inch pipe shall be installed, terminating at the sanitary drain at the building. The connection at the building shall be located a few feet from the building, consisting of a four inch by four inch straight "T" for a cleanout. There shall also be installed in the line four inch by four inch straight "T", not more than fifty feet apart, for additional cleanouts.

(g) A cleanout shall consist of a straight "T", four inch riser pipe with the hub set level with finished grade, a ferrule set in the hub, and a brass screw plug.

(h) Steep slopes shall be avoided in the sewer lines, and in cases where excessive excavation is apparent, riser pipes may be installed. In such event, a ninety degree fitting shall be inserted at the base of the riser pipe, embedded in concrete to support the weight. A "T" or "Y", with other fittings, if necessary, shall be installed in the riser for alignment with the invert of the higher pipe. The riser pipe shall continue to finished grade from the invert of the higher pipe for a cleanout.

(i) If any of the foregoing specifications in this paragraph conflict at any time with the provisions of the Southern Standard Building Code, Part III, plumbing, the specifications contained in this chapter, shall control over the provisions of said building code.

8-304. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the superintendent, and accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank system shall be installed without the approval of the superintendent or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved
by the health officer and the installation shall be under the general supervision of the Tennessee Department of Health and Environment.

8-305. **Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the superintendent and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer.

8-306. **Approval and permit required for septic tanks.** Any person, firm, or corporation proposing to construct a septic tank system, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the superintendent for the design and location of the system and secure a permit from the health officer for such system.

8-307. **Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 8-302, or the agent of the owner, to provide such facilities.

8-308. **Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein.

8-309. **Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal as specified in this chapter.

8-310. **Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the superintendent and specifically authorized by the Tennessee Stream Pollution Control Board.

8-311. **Pollution of ground water prohibited.** No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening, either natural or artificial, in any formation which may permit the pollution of ground water.
8-312. Enforcement of chapter. It shall be the duty of the superintendent to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction.

8-313. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code.
CHAPTER 4

CONTROL AND ERADICATION OF KUDZU

SECTION

8-401. Purpose.
8-402. Right to inspect.
8-403. Notice to eradicate.
8-404. Enforcement of chapter.

8-401. Purpose. It is hereby established that the control and eradication of kudzu is of paramount importance to the preservation of the beauty and value of property within the town limits of the Town of Lookout Mountain, Tennessee.

8-402. Right to inspect. Any designated agent of the town shall have authority to enter upon property within the town limits for the purpose of determining the existence and extent of growth of kudzu.

8-403. Notice to eradicate. Upon a finding of kudzu growth the designated agent of the town shall have the authority to advise the property owner and/or occupant in writing of the finding and shall also advise the owner and/or occupant of the existence of assistance for control and eradication of kudzu. The notice shall invite the owner or occupant to contact the town within ten (10) days to receive instruction in control and eradication of kudzu and to set up a timed program for implementing the control and eradication measures.

8-404. Enforcement of chapter. In the event the owner or occupant fail to take appropriate steps to control and eradicate kudzu the town may enter upon the property and apply control and eradication chemicals to the kudzu and charge the reasonable costs thereof to the owner and/or occupant of the land, and further may charge the cost there of which shall become a municipal lien against the land until paid in full.
CHAPTER 5

AIR POLLUTION CONTROL

SECTION
8-501. Adoption of the Air Pollution Control Code of the City of Chattanooga and Hamilton County.
8-502. Enforcement.
8-503. Violations and penalties.

8-501. Adoption of the Air Pollution Control Code of the City of Chattanooga and Hamilton County. There is hereby adopted by reference by the Town of Lookout Mountain, Tennessee, for the purpose of establishing basic rules, provisions, and regulations governing air pollution and air contaminants, that certain Air Pollution Control Code for the City of Chattanooga and Hamilton County, adopted and amended, by the City Commission of the City of Chattanooga and the Quarterly County Court of Hamilton County, Tennessee and the whole thereof, section by section, except the penalty clause set out therein.

8-502. Enforcement. This chapter shall be enforced by Chattanooga-Hamilton County Air Pollution Control Board personnel according to the provisions of the Air Pollution Control Code for the City of Chattanooga and Hamilton County.

8-503. Violations and penalties. Violations of this chapter shall be punished according to the general penalty provisions set out in this municipal code of ordinances.

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1This chapter replaces in their entirety ords. adopted 6/2/70, 2/11/75, 6/11/77 and 3/14/78.
CHAPTER 6

ABANDONED PROPERTY AND VEHICLES

SECTION

8-601. Definitions.
8-602. Abandoning prohibited.
8-603. Leaving nonoperating, junked vehicle on street prohibited.
8-604. Allowing on property.
8-605. Removal of violations.
8-606. Violations, penalty.
8-607. Forfeiture of unclaimed personal property.
8-608. Sale of unclaimed personal property.
8-609. Disposition of proceeds of sale of personal property; report of expense.

8-601. **Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

1. "Property" shall mean any real property within the town which is not a street or highway or public right-of-way.
2. "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (Ord. adopted 7/1/86)

8-602. **Abandoning prohibited.** No person shall abandon any vehicle within the town, and no person shall leave any vehicle at any place within the town, for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (Ord. adopted 7/1/86)

8-603. **Leaving nonoperating, junked vehicle on street prohibited.** No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street, alley or highway within the town, or on any public right-of-way. (Ord. adopted 7/1/86)

8-604. **Allowing on property.** No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially or wholly dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on such property longer than seventy-two (72) hours; except that this division shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business
enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town or other governmental authority. (Ord. adopted 7/1/86)

8-605. Removal of violations. (1) The chief of the police department, or any member of his department designated by him, are hereby authorized to remove or have removed any vehicle left at any place within the town which reasonably appears to be in violation of this chapter, or is lost, stolen, or unclaimed. Such vehicle shall be impounded at the cost of the owner until lawfully claimed or disposed of in accordance with sections 8-608 and 8-609 hereof.

(2) The chief of police, or any member of his department so designated, shall, if possible, give notice to the owner or tenant of real property upon which a violating vehicle is located or in whose name a violating vehicle is titled, giving such person or persons a period of time of at least seventy-two (72) hours after notice to remove or otherwise dispose of the violating vehicle. If such violating vehicle is not removed at the end of this period, the offending person shall be cited to the municipal court for violation of this chapter and such citation shall be heard at the first available court date. (Ord. adopted 7/1/86)

8-606. Violations, penalty. Any person violating any of the provisions of this chapter shall be punished by a fine or not less than ten dollars ($10.00) nor more than fifty dollars ($50.00). Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such. Further, if such violating vehicle is not removed at the end of that period or any period set by the court, such vehicle shall be impounded and disposed of as in section 8-605. (Ord. adopted 7/1/86)

8-607. Forfeiture of unclaimed personal property. All unclaimed personal property which comes into the possession of the police department shall, if it remains unclaimed for a period of thirty (30) days thereafter, be delivered to the town marshal, to be forfeited and disposed of by him. The town marshal, before selling same, shall make every reasonable effort to give actual notice to the owner thereof if such has not been done by the department that came into possession of same. (Ord. adopted 7/1/86)

8-608. Sale of unclaimed personal property. At intervals during each year, the town marshal shall hold a public sale of unclaimed personal property delivered to him. Notice of sale, giving the time and place, shall be by advertisement at least once in all daily newspapers published in the town at least ten (10) days prior to the time set for the sale. Such sale shall be made at
public auction to the highest bidder for cash, and shall be conducted by the town marshal or some person designated by him. The town marshal shall furnish the town treasurer a list to be kept of all articles sold and the price for which each article was sold. If, however, it is more advantageous and less costly, the town marshal may arrange for a private sale of the property. (Ord. adopted 7/1/86)

8-609. **Disposition of proceeds of sale of personal property; report of expense.** (1) The money received from the sale of unclaimed personal property, as provided in this chapter, shall be paid by the town marshal into the town treasury, and he shall certify to the town treasurer the expense incurred in making the sale or otherwise disposing of such personal property, including the cost and expense of storage during the period such personal property was in possession of the town.

(2) In the event the owner of any article of personal property sold shall, within a period of thirty (30) days after the sale, present satisfactory proof to the town that he was the owner of any article sold, he shall be entitled to the proceeds of the sale thereof, less the expenses of the sale.

(3) The net proceeds arising from sales of all unclaimed personal property shall be paid by the town treasurer into the general fund of the town. (Ord. adopted 7/1/86)
TITLE 9
MOTOR VEHICLES AND TRAFFIC

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

CHAPTER 1
MISCELLANEOUS

SECTION
9-101. Motor vehicle requirements.
9-102. Driving on streets closed for repairs, etc.
9-103. Reckless driving.
9-104. Driving under the influence.
9-105. One-way streets.
9-106. Unlaned streets.
9-107. Laned streets.
9-108. Yellow lines.

1Municipal code reference
   Excavations and obstructions in streets, etc.: title 12.

2State 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.
9-109. Miscellaneous traffic control signs, etc.
9-110. General requirements for traffic control signs, etc.
9-111. Unauthorized traffic control signs, etc.
9-112. Presumption with respect to traffic control signs, etc.
9-113. School safety patrols.
9-114. Driving through funerals or other processions.
9-118. Projections from the rear of vehicles.
9-120. Vehicles and operators to be licensed.
9-121. Passing.
9-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
9-123. Operation of vehicles by minors.

9-101. 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.

9-102. 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.

9-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (Ord. adopted 11/4/41, modified)

9-104. Driving under the influence. (See the Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307).

9-105. 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.

9-106. 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.

9-107. 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 streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On one-way streets either lane may be lawfully used in the absence of markings to the contrary.

9-108. 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.

9-109. Miscellaneous traffic control signs, etc. It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the 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.

9-110. 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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1Municipal code references
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: sections 9-504-9-508.
of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive.

9-111. **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.

9-112. **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.

9-113. **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.

9-114. **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.

9-115. **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.

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1This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.
9-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.

9-117. 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.

9-118. 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.

9-119. 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.

9-120. 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."

9-121. 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.

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.

9-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

(1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motorcycle, 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. (Ord. adopted 11/8/61, modified)

9-123. Operation of vehicles by minors. (1) Definitions

(a) "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.

(b) "Adult" shall mean any person eighteen years of age or older.

(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 minor's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(e) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(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 minor, 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 minor, to drive any motor vehicle upon the streets, highways, roads, avenues,
parkways, alleys or public thoroughfares in the Town of Lookout Mountain 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 minor to permit any such minor 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.
CHAPTER 2

EMERGENCY VEHICLES

SECTION

9-201. Authorized emergency vehicles defined.
9-203. Following emergency vehicles.
9-204. Running over fire hoses, etc.

9-201. 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.

(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

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\[1\text{Municipal code references}

Operation of other vehicle upon the approach of emergency vehicles: section 9-501.
safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

9-203. **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.

9-204. **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

9-301. In general.
9-302. At intersections.

9-301. 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.

9-302. 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.

9-303. 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 mayor and board of commissioners 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. (Ord. adopted 10/24/24, modified and ord. adopted 11/4/41, modified)
CHAPTER 4

TURNING MOVEMENTS

SECTION
9-401. Generally.
9-402. Right turns.
9-403. Left turns on two-way roadways.
9-404. Left turns on other than two-way roadways.

9-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹

9-402. 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.

9-403. 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.

9-404. 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.

9-405. U-turns. U-turns are prohibited.

¹State law reference
Tennessee Code Annotated, section 55-8-143.
CHAPTER 5

STOPPING AND YIELDING

SECTION

9-502. When emerging from alleys, etc.
9-503. To prevent obstructing an intersection.
9-504. At "stop" signs.
9-505. At "yield" signs.
9-506. At traffic control signals generally.
9-507. At flashing traffic control signals.
9-508. At pedestrian control signals.
9-509. Stops to be signaled.

9-501. Upon approach of authorized emergency vehicles. 1 Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

9-502. 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.

9-503. 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.

1Municipal code reference
Special privileges of emergency vehicles: title 9, chapter 2.
9-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the 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.

9-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

9-506. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":
   (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
   (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":
   (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":
   (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the 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.

9-507. 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 9-504 of this code.

9-508. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the 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.

9-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,\(^1\) except in an emergency.

\(^1\)State law reference

Tennessee Code Annotated, section 55-8-143.
CHAPTER 6

PARKING

SECTION

9-601. 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 twenty-four (24) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (Ord. adopted 12/7/54, sec. I, modified)

9-602. 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.

9-603. 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.

9-604. 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 twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
(9) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
(10) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
(11) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
(12) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, section 55-8-160(c). (Ord. adopted 9/13/48, sec. 1, modified)

9-605. 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.
9-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the town, parking shall be regulated by parking meters where the same have been installed by the town. The presumption shall be that all installed parking meters were lawfully installed by the town. Parking meters shall be operated in the parking meter zones everyday between the hours of 8:00 a.m. and 8:00 p.m.

9-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon.

9-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

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

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

9-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter.

9-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States.
9-612. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking.
CHAPTER 7

ENFORCEMENT

SECTION
9-701. Issuance of traffic citations.
9-702. Failure to obey citation.
9-703. Illegal parking.
9-704. Impoundment of vehicles.
9-706. Deposit of drivers license in lieu of bail.

9-701. Issuance of traffic citations. When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the 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.

9-702. 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.

9-703. 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.

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1Municipal code reference
Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 1, chapter 4.
State law reference
Tennessee Code Annotated, section 7-63-101 et seq.
If the offense is a parking meter parking violation, the offender may, within twenty-four (24) hours, have the charge against him disposed of by paying to the town clerk a fine of five dollars ($5.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after twenty-four (24) hours, but before a warrant for his arrest is issued, his fine shall be ten dollars ($10.00). For other parking violations the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court, and the fines shall be five dollars ($5.00) within twenty-four (24) hours and ten dollars ($10.00) thereafter, except for the violation of parking in a handicapped parking space under section 9-604 (13) of this code, for which the offender may be punished according to the general penalty provisions of this code of ordinances. (Ord. adopted 12/7/54, sec. I, modified)

9-704. 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. (Ord. adopted 12/7/54, secs. II and III, modified)


9-706. Deposit of drivers license in lieu of bail.
(1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of
time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.

(2) Receipt to be issued. The officer, or the court demanding bail, who receives any person chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the town court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of Tennessee Code Annotated, section 55-7-401 et seq.
CHAPTER 8

VEHICLE REGISTRATION

SECTION
9-801. Definitions.
9-802. Policy.
9-803. Applicability of chapter.
9-804. License and license fee.
9-805. License decals.
9-806. New residents and newly acquired vehicles.
9-807. Violation a misdemeanor.

9-801. Definitions. For the purpose of interpreting this chapter, the following definitions shall have the meaning given herein:

(1) "Town" is the Town of Lookout Mountain, Tennessee.

(2) "Commission" is the Mayor and Board of Commissioners of the Town of Lookout Mountain, Tennessee.

(3) "Resident" is any person who resides or has resided within the Town limits for a period of time longer than thirty (30) days.

(4) "Motor vehicle" means passenger automobiles, trucks, vans, and any other motor driven vehicle. (Ord. adopted 4/8/80, sec. 1)

9-802. Policy. It is declared to be in the public interest, welfare and safety of the citizens of the town that certain motor vehicles driven within the Town be subject to licensing under the provisions of this chapter. (Ord. adopted 4/8/80, sec. 2)

9-803. Applicability of chapter. The provisions of this chapter shall be applicable to any motor vehicle owned, leased, or used by a resident of the town and operated within the town. (Ord. adopted 4/8/80, sec. 3)

9-804. License and license fee. (1) There is hereby levied an annual license fee of two dollars ($2.00) for each motor vehicle operated within the town by a resident and five dollars ($5.00) after the 1st of June.

(2) Each resident who operates a motor vehicle subject to the provisions of this chapter shall pay the license fee annually at the town hall to the town treasurer, or his duly authorized representative.

(3) The license fee shall be due and payable on or before the first day of May of each year, and shall become delinquent on the first day of June of each year. (Ord. adopted 4/8/80, sec. 4)
9-805. License decals. (1) Upon payment of the license fee, the town treasurer shall issue to the owner or operator of each motor vehicle two (2) decals bearing serial numbers. One decal shall be displayed on the front and the other decal shall be displayed on the rear of each automobile. Each decal shall be placed in the upper right hand corner of each window (as viewed from the rear of the motor vehicle).

(2) No decal shall be transferable from one owner or operator to another or from one vehicle to another. When an owner or operator transfers a motor vehicle to another person, the decals shall be removed and destroyed. (Ord. adopted 4/8/80, sec. 5)

9-806. New residents and newly acquired vehicles. (1) New residents of the town who become subject to this chapter between annual licensing dates shall pay the license fee and obtain decals within ten (10) days after becoming a resident.

(2) An owner or operator who acquires a motor vehicle subject to this chapter between annual licensing dates shall pay the license fee and obtain decals within ten (10) days after the motor vehicle is acquired.

(3) There shall be no proration of the license fee because of the issuance of license decals between annual licensing dates. (Ord. adopted 4/8/80, sec. 6)

9-807. Violation a misdemeanor. Violation of this chapter is hereby declared a misdemeanor, and any violator shall be punishable on conviction by a fine of not less than two dollars ($2.00) nor more than fifty dollars ($50.00) for each violation, provided, however, that no fine shall be levied if the violator shall have purchased the required decals and placed them upon the vehicle prior to the scheduled court date. (Ord. adopted 4/8/80, sec. 8 amended 10/20/87)
TITLE 10

OFFENSES--MISCELLANEOUS

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

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

10-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this

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1Municipal code references
   Animals and fowls: title 3.
   Housing and utilities: titles 4 and 13.
   Fireworks and explosives: title 7.
   Health and sanitation: title 8.
   Streets and sidewalks (non-traffic): title 12.

2State law reference
   For the definition of "misdemeanor," see Tennessee Code Annotated, sections 39-1-103 and 39-1-104.
town also. Any violation of any such law within the corporate limits is also a violation of this section. (Ord. adopted 5/18/1899, modified)
CHAPTER 2

ALCOHOL

SECTION
10-201. Public drunkenness.
10-202. Drinking alcoholic beverages in public, etc.


10-202. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place.

1Municipal code reference
Sale of alcoholic beverages, including beer: title 2.
CHAPTER 3

GAMBLING, FORTUNE TELLING, ETC.

SECTION
10-301. Gambling prohibited.
10-302. Promotion of gambling.
10-303. Fortune telling, etc.

10-301. **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.

10-302. **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.

10-303. **Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.
CHAPTER 4

OFFENSES AGAINST THE PERSON

SECTION
10-401. Assault and battery.

10-401. Assault and battery. It shall be unlawful for any person to commit an assault and battery upon another person.
CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

10-501. Disturbing the peace.

10-501. 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.

10-502. 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 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 hour of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

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

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

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

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

(m) **Exterior alarms, bells or sirens.** To sound any exterior alarm, bell, siren or similar sound for a continuous period in excess of twenty (20) minutes.

(n) **Motorized or power driven leaf blowers, lawn mowers, chain saws, lawn trimmers and similar devices.** The use of motorized or power driven leaf blowers, lawn mowers, chain saws, lawn trimmers or other similar devices except between the hours of 8:00 a.m. and the earlier of 8:00 p.m. and sunset Monday through Saturday, and 12:00 noon and the earlier of 8:00 p.m. or sunset on Sunday.

(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 mayor and 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. (Ord. adopted 4/2/57, modified)
CHAPTER 6

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
10-601. Escape from custody or confinement.
10-602. Impersonating a government officer or employee.
10-603. False emergency alarms.

10-601. 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.

10-602. 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.

10-603. 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.
SECTION
10-701. Air rifles, etc.
10-702. Throwing missiles.
10-703. Discharge of firearms.

10-701. **Air rifles, etc.** It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method.

10-702. **Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (Ord. adopted 5/18/1899, modified)

10-703. **Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits.
CHAPTER 8

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION
10-801. Trespassing.
10-802. Malicious mischief.
10-803. Interference with traffic.

10-801. Trespassing. ¹ (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

¹State law reference
Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, section 39-3-1201 et seq.
to promptly leave the private premises of any person who requests or directs him to leave.¹ (Ord. adopted 11/14/50, modified)

10-802. **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. (Ord. adopted 5/18/1899, modified)

10-803. **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.

¹Municipal code reference
CHAPTER 9

CAMPING AND PICNICKING

SECTION
10-901. Camping prohibited.
10-902. Picnicking prohibited.

10-901. Camping prohibited. It shall be unlawful for any person to set up tents, shacks, or any other temporary or permanent shelter for the purpose of camping, or for any person to park any movable structure or vehicle to be used or that could be used for the purpose of camping, for any period of time upon the roads, roadsides or upon any public property within the Town of Lookout Mountain, or upon any private property without express permission from the owner. (Ord. adopted on uncertain date)

10-902. Picnicking prohibited. It shall be unlawful for any person to picnic on the roadside or on any public property within the Town of Lookout Mountain unless such property shall have been specifically set aside for such purpose, or upon any private property without the permission of the owner. (Ord. adopted 8/13/51)
CHAPTER 10

MISCELLANEOUS

SECTION
10-1001. Removal of paint by fire prohibited.

10-1001. Removal of paint by fire prohibited. It shall be unlawful to use fire or flame to assist in the removal of paint or other coatings from metal or wooden surfaces inside or on the exterior of any structure within the town.
TITLE 11

PLANNING AND ZONING

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. COMMUNICATION RADIO TOWERS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
11-101. Regional planning commission designated as municipal planning commission.

11-101. **Regional planning commission designated as municipal planning commission.** Pursuant to authority provided in *Tennessee Code Annotated*, section 13-3-301, the Chattanooga-Hamilton County Regional Planning Commission is hereby designated as the municipal planning commission of the Town of Lookout Mountain.
CHAPTER 2

ZONING ORDINANCE

SECTION
11-201. Land use to be governed by zoning ordinance.

11-201. Land use to be governed by zoning ordinance. Land use within the Town of Lookout Mountain shall be governed by Ordinance adopted June 13, 1972, titled "Zoning Ordinance, Town of Lookout Mountain, Tennessee," and any amendments thereto.¹

¹This ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the town clerk.
CHAPTER 3

COMMUNICATION RADIO TOWERS

SECTION
11-301. Towers prohibited. It is the policy of the town that construction of communication radio towers and antennas for business or public use within the town is prohibited.

11-302. Existing towers. Existing towers and antennas may continue in use, provided, however, that such towers or antennas shall not be altered or enlarged in any fashion except where "State of the Art" improvements can be shown by application to the Chief of Police, to reduce the objections of the town with respect to efficiency or aesthetics of the facility. otherwise those existing towers or antennas may not be altered or enlarged. If they are removed, they cannot be replaced or rebuilt. No frequencies may be added at any location without a permit as specified in sections 11-303 through 11-307 herein.

11-303. Permit required. Any owner or occupant or property within the town, who desires to add frequencies or change frequencies on an existing antenna or radio tower on his property, shall apply to the Chief of Police, for a permit authorizing same.

11-304. Application for a permit. Each application for a permit shall be signed by the owner or occupant of the property upon which the radio tower or antenna is located, and by the licensee company or agency for whom the frequency will be operated, and shall be accompanied by the following: (a) the frequency and power to be used and the anticipated hours of operation; (b) written consent of all owners of property contiguously adjacent to the property;
(c) a statement signed by the property owner and licensee agency or company certifying that the radio frequency (i) will not interfere with radio and television reception or telephone communication of any citizen of the town or with operation of any other electrical apparatus, and (ii) will not endanger in any manner safety or property of any persons.

11-305. **Zoning variance required.** No permit for any such radio frequency addition or change will be issued to any applicant unless a variance from the Zoning Ordinance has been granted in accordance with the provisions of that ordinance for construction of a radio communication tower or antenna.

11-306. **Permit fees.** Upon approval of an application to add or change any radio frequency under this chapter, an installation permit will be issued to the applicant upon payment of an installation permit fee of two hundred fifty dollars ($250.00).

11-307. **Registration.** On or before the tenth (10th) day of January of each year, each communication radio tower or antenna and each additional radio frequency transmitted or received within the town shall be registered with, and a permit for the maintenance thereof shall be obtained from, the Chief of Police. An annual registration fee of one hundred fifty dollars ($150.00) for each antenna or radio communication tower and for each additional frequency transmitted or received (or for each frequency utilized by a Community Repeater shared usage station or those of similar nature) shall be paid by the property owner on which the equipment is located. The registration will be signed by the property owner and a responsible officer of the company or agency operating the equipment attesting to the number of antennas, radio communication towers and frequencies which shall be listed thereon.

11-308. **Revocation of permit.** Any permit issued authorizing the maintenance, alteration or enlargement of communication radio equipment tower or antenna may be revoked by the Board of Commissioners if it finds that such installation (1) endangers the safety of any person or the property of any person, or (2) interferes with radio or television reception or telephone communication of any citizen of the Town of Lookout Mountain, or, (3) interferes with the operation of any electrical apparatus of any citizen of the Town of Lookout Mountain. No revocation shall be ordered by the Board of Commissioners, however, unless it has received a signed complaint in writing from an affected person nor until after a public hearing upon such complaint. Notice of such hearing shall be mailed by regular mail not less than ten (10) days in advance of the hearing to the owner or occupant of the property upon which the tower or antenna is constructed, the licensee using the installation
(and any other person or agency against whom complaint is made), owners or occupants of contiguously adjacent property, complainant, and any other persons requested by complainant or by any person against whom complaint is made. Upon issuance of any order of revocation, any radio equipment, tower or antenna affected by such order shall be removed promptly by the person against whom the order is issued.

11-309. **Penalty.** Violations of this chapter are subject to the penal provisions of this municipal code, and each day's violation shall constitute a separate and distinct offense.

11-310. **Ordered removal of equipment.** The Town of Lookout Mountain, may, in addition to any other remedies provided herein, order the removal of any communication radio broadcast towers and antennas and related equipment or facilities with respect to which any property owner, occupant, licensee, company or other person or entity has not complied with the provisions of this chapter relating to application for a permit, registration, or payment of construction or registration fees. If such equipment is not removed within thirty (30) days after written notice is served upon the owner or occupant of such property, the town may remove such equipment, and the reasonable cost of removal shall become a lien upon the property upon which such equipment was situated.

11-311. **Severability.** If any section, clause, or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid.

11-312. **Exemptions.** The following antennas or radio communication towers and related frequencies are exempt from the payment of annual fees due to their public service function:

1. Easter Seals (1);
2. Federal Bureau of Investigation (2);
3. Tennessee American Water Company (1);
4. Red Cross (3);
5. City of Chattanooga Police Department (9).
TITLE 12

STREETS AND OTHER PUBLIC WAYS AND PLACES

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET ADDRESS NUMBERS.
4. WALLS AND FENCES.
5. SIDEWALKS AND ABUTTING PROPERTY OWNERS.

CHAPTER 1

MISCELLANEOUS

SECTION
12-101. Obstructing streets, alleys, or sidewalks prohibited.
12-102. Trees projecting over streets, etc., regulated.
12-103. Trees, etc., obstructing view at intersections prohibited.
12-104. Projecting signs and awnings, etc., restricted.
12-105. Banners and signs across streets and alleys restricted.
12-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
12-107. Littering streets, alleys, or sidewalks prohibited.
12-108. Obstruction of drainage ditches.
12-109. Abutting occupants to keep sidewalks clean, etc.
12-110. Parades, etc., regulated.
12-111. Animals and vehicles on sidewalks.
12-112. Fires in streets, etc.

12-101. 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.

1Municipal code reference
   Related motor vehicle and traffic regulations: title 9.

2This chapter is taken in part, and replaces in its entirety, ord. adopted 11/16/72.
12-102. 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.

12-103. 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.

12-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹

12-105. 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 mayor and board of commissioners after a finding that no hazard will be created by such banner or sign. (Ord. adopted 6/13/33, modified)

12-106. 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.

12-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes.

12-108. 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.

12-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean.

¹Municipal code reference
Building code: title 4, chapter 1.
Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (Ord. adopted 2/8/72, sec. I)

12-110. **Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city clerk.

12-111. **Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

12-112. **Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.
CHAPTER 2

EXCAVATIONS AND CUTS

SECTION
12-201. Permit required.
12-203. Fee.
12-204. Deposit or bond.
12-205. Safety restrictions on excavations.
12-206. Restoration of streets, etc.
12-207. Insurance.
12-208. Time limits.
12-209. Supervision.

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

12-202. Applications. Applications for such permits shall be made to the town clerk, 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

1State law reference
This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

This chapter is taken in part from, and replaces in its entirety, ord. adopted 11/16/62.
thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the town clerk within twenty-four (24) hours of its filing.

12-203. Fee. The fee for such permits shall be twenty dollars ($20.00).

12-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town clerk a cash deposit. The deposit shall be in the sum of five hundred dollars ($500.00) if no pavement is involved or one thousand dollars ($1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the town clerk 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 town clerk a surety bond in such form and amount as the town clerk shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

12-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users.

12-206. 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
town clerk 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.

12-207. 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 town clerk 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 $20,000 for general liability and $50,000 for automobile liability.

12-208. 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 town clerk.

12-209. Supervision. The person designated by the mayor and board of commissioners 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.
SECTION

12-301. Street address numbers required.
12-302. Violation and penalty.

12-301. Street address numbers required. It is a requirement that each residential and commercial structure be clearly identified by its street address number by the placing of clearly visible numbers on each side of the mail box serving the residential or commercial structure, or in the event of a lack of a mail box so serving a structure, by numbers upon other structures or upon the residence or commercial structure itself, placed in such fashion as to be clearly visible from the public street serving such residence or commercial structure.

12-302. Violation and penalty. Failure to comply with the terms of this chapter is declared to be a misdemeanor punishable by fine of not less than $2.00 nor more than $50.00 for each violation. Each day of violation shall constitute a separate offense for purposes of imposition of such fine.
CHAPTER 4

WALLS AND FENCES

SECTION
12-401. Walls or fences along a public roadway prohibited.
12-402. Construction, location and size regulated by zoning ordinance.
12-403. Variances.
12-404. Permit required.
12-405. Issuance of permit.
12-406. Planting along roadways.

12-401. Walls or fences along a public roadway prohibited. Construction of walls or fences along a public roadway within the Town of Lookout Mountain will not be permitted except as provided herein.

12-402. Construction, location and size regulated by zoning ordinance. The construction, location and size of fences or walls shall be subject to the provisions of the town's general zoning ordinances as amended from time to time. No fences shall be built within the town's right-of-way or within any required lot line or set back without a variance from the zoning ordinance restriction being asked for and approved as provided in said ordinance.

12-403. Variances. No variance shall be granted for a wall or fence in excess of three (3) feet high or when the size and proposed location shall create a hazard to the people traveling upon the public roadway, impair their ability to see oncoming traffic or create a dangerous condition for traffic entering or exiting the roadway from another roadway or private driveway.

12-404. Permit required. Any owner or occupant of property within the town desiring to construct a fence or wall along the public roadway shall apply to the board of commissioners for a permit authorizing the construction. Said application shall contain details and specifications as to location, height and materials to be used in the construction.

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1Municipal code reference
Zoning ordinance: title 11, chapter 2.
12-405. Issuance of permit. Upon approval of the application, a permit shall be issued in accord with the procedures for issuance of building permits within the Town of Lookout Mountain.

12-406. Planting along roadways. Likewise any planting along any roadway within the town shall be kept trimmed back and maintained so as to allow clear view of all road signs and traffic upon or entering the roadway.
CHAPTER 5

SIDEWALKS AND ABUTTING PROPERTY OWNERS

SECTION
12-501. Property owner to keep sidewalks clean.
12-502. Property owner to maintain and repair sidewalks.
12-503. Permit required.
12-504. Repair of sidewalks at owners expense.
12-505. Non-resident property owners.
12-506. Penalty.
12-507. Completion of work.
12-508. Abutting property owners liability.

12-501. Property owner to keep sidewalks clean. Every owner or occupant of property in the Town, in front of or along which there is a sidewalk, shall keep such sidewalk clean and unobstructed. Each such owner or occupant shall cause the removal at once of all accumulations of mud, filth, snow and ice and every other substance or thing which may constitute an obstruction or impediment to pedestrians, and everything in the nature of a nuisance. (Ord. adopted 2/08/72)

12-502. Property owner to maintain and repair sidewalks. When any sidewalk becomes out of repair or in any manner defective, whether in the bed or pavement or curbing thereof, or if such sidewalk does not conform to the provisions of the specifications of the Town therefor, the owner, occupant, or agent shall cause such sidewalk to be reconstructed or put in good repair according to such specifications. (Ord. adopted 2/08/72)

12-503. Permit required. Repairs to existing sidewalks shall be such as may be prescribed and approved by the Board of Commissioners. The owner, occupant or agent in charge of the property where such work is to be done shall apply to the Departments of Streets and Sanitation for specifications and instructions setting forth the manner in which the work shall be performed and a permit authorizing such work, and in doing such work shall conform to said specifications and instructions. (Ord. adopted 2/08/72)

12-504. Repair of sidewalks at owners expense. The owner, occupant or agent fails or refuses to construct, reconstruct or repair any required sidewalk or curbing, the commissioner of streets and sanitation may cause the same to be done at the expense of owner or he may direct issuance by the Department of Streets and Sanitation of a written notice by registered mail with return receipt
or personal delivery to the owner or to the occupant or agent, if the owner is a non-resident, unknown or cannot be located, requiring that the necessary work be done. (Ord. adopted 2/08/72)

12-505. Non-resident property owners. If the owner is a nonresident, unknown or cannot be located and there is no known agent therefor and the property is not occupied, the notice shall be posted for at least five days on such lot or property. (Ord. adopted 2/08/72)

12-506. Penalty. Failure or refusal by the owner, or the occupant or agent, if the owner cannot be notified, to commence such necessary work within ten days of the receipt or posting of such notice shall be unlawful, and each day thereafter shall constitute a separate violation. (Ord. adopted 2/08/72)

12-507. Completion of work. Failure or refusal to complete such necessary work according to said specifications and instructions, after it has once been commenced, shall be unlawful. (Ord. adopted 2/08/72)

12-508. Abutting property owners liability. In all instances of injury to person resulting from the negligently unsafe and defective conditions of any such sidewalk, or the repair of which the abutting property owner, occupant or his agent, has been notified to effectuate in the manner hereinbefore provided more than five days before the happening of such entry, the abutting property owner shall be liable in damages.

If any judgment is obtained against the Town as a result of the negligently defective condition of any such sidewalk, or any personal injuries received by any person more than five days after the service of a notice as hereinbefore provided, the Town attorney shall institute proper legal proceedings against such property owner for recover over of the amount of any such judgment. (Ord. adopted 2/08/72)
TITLE 13

UTILITIES AND SERVICES

CHAPTER
1. WATER
2. ELECTRICITY.
3. GAS.
4. CABLE TELEVISION.
5. TRANSIT SYSTEM.

CHAPTER 1

WATER\(^1\)

SECTION
13-101. To be furnished under franchise.

13-101. To be furnished under franchise.\(^2\) Water shall be furnished to the Town of Lookout Mountain and its inhabitants under franchise granted to the City Water Company of Chattanooga by the Mayor and Board of Commissioners of the Town of Lookout Mountain, Tennessee. The rights, powers, duties, and obligations of the Town of Lookout Mountain and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon, the parties concerned.

\(^1\)Municipal code reference
Plumbing code: title 4, chapter 2.

\(^2\)For complete details relating to the water franchise agreement, see ordinances dated 10/8/68 and 09/11/73 in the office of the town clerk.
CHAPTER 2

ELECTRICITY

SECTION

13-201. To be furnished by Chattanooga Electric Power Board.

13-201. To be furnished by Chattanooga Electric Power Board. Electricity shall be provided to the Town of Lookout Mountain and its inhabitants by the Chattanooga Electric Power Board. The rights, powers, duties, and obligations of the Town of Lookout Mountain and its inhabitants, are stated in the town agreement between the parties.\(^2\)

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\(^1\)Municipal code reference

Electrical code: title 4, chapter 3.

\(^2\)The agreements are on record in the office of the clerk.
CHAPTER 3

GAS

SECTION
13-301. To be furnished under franchise.

13-301. To be furnished under franchise.¹ Gas shall be furnished to the Town of Lookout Mountain and its inhabitants under franchise granted to Chattanooga Gas Company by the Mayor and Board of Commissioners of the Town of Lookout Mountain, Tennessee. The rights, powers, duties, and obligation of the Town of Lookout Mountain and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon, the parties concerned.

¹For complete details relating to the gas franchise agreement, see ordinance date 6/11/68, in the office of the town clerk.
CHAPTER 4

CABLE TELEVISION

SECTION

13-401. To be furnished under franchise.

13-401. To be furnished under franchise. Cable television shall be furnished to the Town of Lookout Mountain and its inhabitants under franchise granted to Chattanooga Cable TV by the Mayor and Board of Commissioners of the Town of Lookout Mountain, Tennessee. The rights, powers, duties and obligations of the Town of Lookout Mountain and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see ordinances dated 3/8/77 and 1/9/79 in the office of the town clerk.
CHAPTER 5

TRANSIT SYSTEM

SECTION

13-501. To be furnished by Chattanooga Area Regional Transit Authority.

13-201. To be furnished by Chattanooga Area Regional Transit Authority. A transit system shall be provided to the Town of Lookout Mountain and its inhabitants by the Chattanooga Area Regional Transit Authority. The rights, powers, duties, and obligations of the Town of Lookout Mountain and its inhabitants, are stated in the town agreement between the parties.¹

¹The agreements are part of an ordinance adopted on May 15, 1973 and are on record in the office of the clerk. Also see ordinance adopted 6/29/71, which created the Chattanooga Area Regional Transportation Authority.
ORDINANCE NO. 1

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF LOOKOUT MOUNTAIN, TENNESSEE.

WHEREAS some of the ordinances of the Town of Lookout Mountain are obsolete, and

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

WHEREAS the Mayor and Board of Commissioners of the Town of Lookout Mountain, 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 "Lookout Mountain Municipal Code," now, therefore:

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LOOKOUT MOUNTAIN, 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 13, both inclusive, are ordained and adopted as the "Lookout Mountain 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 a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the
portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; nor shall such repeal affect any ordinance annexing territory to the town or amending its zoning map.

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

Section 5. Penalty clause. Wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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1State law reference
For authority to allow deferred payment of fines, or for payment by installments, see the Tennessee Code Annotated, sections 40-24-101 et seq.
Section 6. Code as evidence. Any printed copy of the municipal code certified under the signature of the clerk shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

Section 7. 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 8. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The mayor and 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 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 9. 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 10. Code available for public use. A copy of the municipal code shall be kept available in the clerk's office for public use and inspection at all reasonable times.
Section 11. 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 July 14, 19__
Passed August 11, 19__

[Signatures]
Mayor
Clerk