THE LYNNVILLE MUNICIPAL CODE

Prepared by the



April 2017

# TOWN OF LYNNVILLE, TENNESSEE

# **MAYOR**

Phillip Vandiver

# VICE MAYOR

Floyd Pratt

# **ALDERMEN**

Paul Dugger

Lori Edwards

Jim Green

Sandra White

# **RECORDER**

Angie Jones

#### PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

The able assistance of Nancy Gibson of the codes team is gratefully acknowledged.

Kelley Myers, ACP Municipal Codes Coordinator

## ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE <u>CITY CHARTER</u>

- 1. Four (4) members of the board shall be a quorum. (Art. V, Section 3.)
- 2. An affirmative vote of three (3) members of the board shall be required for the passage of any ordinance. (Art. V, Section 3)
- 3. Each ordinance shall be passed on three (3) separate days at regular, adjourned or special meetings, and shall be read once in full and twice by title. (Art. V, Section 4)
- 4. Any ordinance may be introduced, read three (3) times, once in full and twice by title, and passed on third and final reading by unanimous vote of all members of the board at any meeting. (Art. V, Section 4)

## TITLE 1

## GENERAL ADMINISTRATION<sup>1</sup>

#### CHAPTER

- 1. BOARD OF MAYOR AND ALDERMEN.
- 2. MAYOR.
- 3. RECORDER.
- 4. CODE OF ETHICS.
- 5. VOTER QUALIFICATIONS
- 6. GENERAL PROVISIONS.

## CHAPTER 1

# **BOARD OF MAYOR AND ALDERMEN**<sup>2</sup>

## SECTION

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

1-101. <u>Time and place of regular meetings</u>. The governing body shall hold regular monthly meetings at 5:30 P.M. on the first Tuesday of each month at the Lynnville Municipal Building. (1974 Code, § 1-101, modified)

**1-102.** <u>Order of business</u>. At each meeting of the governing body, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

<sup>1</sup>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, electrical and gas inspectors: title 12.Fire department: title 7.Utilities: titles 18 and 19.Wastewater treatment: title 18.Zoning: title 14.

<sup>2</sup>Charter references Article IV

- (1) Call to order by the mayor.
- (2) Roll call.
- (3) Approval of minutes.
- (4) Citizen comments
- (5) Communications from the mayor.

(6) Reports from committees, members of the board of mayor and aldermen, and other officers.

- (7) Ordinances.
- (8) Resolutions.
- (9) Adjournment. (1974 Code, § 1-102, modified)

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

## MAYOR<sup>1</sup>

## SECTION

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-203. Salary.

**1-201.** <u>Generally supervises town's affairs</u>. 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. (1974 Code, § 1-201)

1-202. <u>Executes town's contracts</u>. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1974 Code,  $\S$  1-202)

**1-203.** <u>Salary</u>. The mayor shall receive the sum of four hundred dollars (\$400.00) per month as salary and aldermen shall receive the sum of thirty dollars (\$30.00) per month as salary.<sup>2</sup> (Ord. # 16-05, June 2016)

<sup>1</sup>Charter reference Article VIII

<sup>2</sup>Charter reference Article IV, Section 6

## **<u>RECORDER</u><sup>1</sup>**

## SECTION

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

**1-301.** <u>To be bonded</u>. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen.  $(1974 \text{ Code}, \S 1-301)$ 

**1-302.** <u>To keep minutes, etc</u>. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1974 Code, § 1-302)

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

<sup>1</sup>Charter references Article VIII

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

#### SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.

Campaign finance: <u>Tennessee Code Annotated</u>, title 2, ch. 10.

Conflict of interests: <u>Tennessee Code Annotated</u>, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: <u>Tennessee Code Annotated</u>, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: <u>Tennessee</u> <u>Code Annotated</u>, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): <u>Tennessee Code</u> <u>Annotated</u>, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: <u>Tennessee Code Annotated</u>, § 39-16-401 and the following sections.

Ouster law: <u>Tennessee Code Annotated</u>, § 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

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

- 1-409. Outside employment.
- 1-410. Ethics complaints.

1-411. Violations and penalty.

1-401. <u>Applicability</u>. This chapter is the code of ethics for personnel of the Town of Lynnville. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the Town of Lynnville. The words "municipal" and "town" or "Town of Lynnville" include these separate entities. (Ord. #5-1-07, April 2007)

**1-402.** <u>Definition of "personal interest."</u> (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #5-1-07, April 2007)

1-403. <u>Disclosure of personal interest by official with vote</u>. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (Ord. #5-1-07, April 2007)

1-404. <u>Disclosure of personal interest in non-voting matters</u>. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #5-1-07, April 2007)

**1-405.** <u>Acceptance of gratuities, etc</u>. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the Town of Lynnville:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #5-1-07, April 2007)

**1-406.** <u>Use of information</u>. (1) An official or employee may not disclose any information obtained in his official capacity of the Town of Lynnville or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity of the Town of Lynnville or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #5-1-07, April 2007)

**1-407.** <u>Use of municipal time, facilities, etc</u>. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity; except as authorized by legitimate contract or lease that is determined by the board of mayor and aldermen to be in the best interests of the Town of Lynnville.

**1-408.** <u>Use of position or authority</u>. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the Town of Lynnville.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the Town of Lynnville. (Ord. #5-1-07, April 2007)

**1-409.** <u>Outside employment</u>. A full-time employee of the Town of Lynnville may not accept any outside employment without written authorization from the department head. (Ord. #5-1-07, April 2007)

**1-410.** <u>Ethics complaints</u>. (1) The Town of Lynnville attorney is designated as the ethics officer of the Town of Lynnville. Upon the written request of an official or employee potentially affected by a provision of this chapter, the Town of Lynnville attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

(b) The Town of Lynnville attorney may request the board of mayor and aldermen to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #5-1-07, April 2007)

1-411. <u>Violations and penalty</u>. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #5-1-07, April 2007)

# **VOTER QUALIFICATIONS**

## SECTION

1-501. Qualification of voters.1-502. Nonresident voters.

**1-501. Qualification of voters.** Every person registered to vote under the laws of the State of Tennessee for officials of Giles County, Tennessee, and the State of Tennessee, shall be entitled to register and vote in all elections of the Town of Lynnville if he has been a resident of the Town of Lynnville for six (6) months net preceding the day of the election. If a non-resident of the town, and is the owner of real property within the town assessed to them for taxation in value not less than one hundred dollars (\$100.00). (Ord. #01012014, April 2014)

1-502. <u>Nonresident voters</u>. Any nonresident of the Town of Lynnville qualified and duly registered to vote in municipal elections of the Town of Lynnville by virtue of the provisions of the Lynnville Charter<sup>1</sup> shall here after vote in such elections by absentee ballot, provided the terms of conditions of <u>Tennessee Code Annotated</u> § 2-6-205 are met by such voters. (Ord. #01012014, April 2014)

<sup>1</sup>Charter reference Article II

## **GENERAL PROVISIONS**

#### SECTION

1-601. General penalty; continuing violations.

1-601. General penalty: continuing violations. Whenever in this code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance 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 this code or any such ordinance shall be punished by a penalty of not more than fifty dollars (\$50.00) for each separate violation; provided, however, that the imposition of any such penalty under the provisions of this code or of any ordinance of the town shall not prevent the revocation of any permit or license for violation of any provisions hereof where called for or permitted under the provisions of this code or of any ordinance. The town judge shall fix the penalty to be imposed under the provisions hereof as the town judge's discretion may dictate. Each day that any violation of this code or of any ordinance continues shall constitute a separate offense. Where any act of the general assembly of the state provides for a greater minimum penalty than one dollar (\$1.00), the minimum penalty prescribed by the state law shall prevail, and be assessed by the town judge. Whenever in this code reference is made to a maximum penalty of greater than fifty dollars (\$50.00), this section shall prevail and the maximum penalty shall be fifty dollars (\$50.00).

# TITLE 2

# BOARDS AND COMMISSIONS, ETC.

# [RESERVED FOR FUTURE USE]

## TITLE 3

## MUNICIPAL COURT<sup>1</sup>

## CHAPTER

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

## **CHAPTER 1**

## **TOWN JUDGE**

## **SECTION**

3-101. Town judge.3-102. Jurisdiction.

**3-101.** <u>Town judge</u>. The officer designated by the charter to handle judicial matters within the municipality shall preside over the town court and shall be known as the town judge.  $(1974 \text{ Code}, \S 1-501)$ 

**3-102.** <u>Jurisdiction</u>. The town judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code.

#### **COURT ADMINISTRATION**

### SECTION

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

**3-201.** <u>Maintenance of docket</u>. 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 and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1974 Code, § 1-502)

**3-202.** <u>Imposition of penalties, and costs</u>. All penalties and costs shall be imposed and recorded by the town judge on the town court docket in open court.

In all cases heard and determined by him, the town judge shall impose court costs in the amount of forty-seven dollars and fifty cents (\$47.50). One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

**3-203.** <u>Disposition and report of fines, penalties, and costs</u>. 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 board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1974 Code, § 1-511)

**3-204.** <u>Contempt of court</u>. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

**3-205.** <u>Trial and disposition of cases</u>. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the town judge is reasonably available. However, the provisions of this section shall not apply

when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1974 Code,  $\S$  1-506)

## WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

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

**3-301.** <u>Issuance of arrest warrants</u>.<sup>1</sup> The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1974 Code, § 1-503)

**3-302.** <u>Issuance of summonses</u>. 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 to personally 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 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. (1974 Code, § 1-504)

**3-303.** <u>Issuance of subpoenas</u>. 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. (1974 Code, § 1-505)

<sup>&</sup>lt;sup>1</sup>State law reference

For authority to issue warrants, see <u>Tennessee Code Annotated</u>, title 40, chapter 6.

## **BONDS AND APPEALS**

#### SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

**3-401.** <u>Appearance bonds authorized</u>. 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 ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1974 Code, § 1-507)

**3-402.** <u>Appeals</u>. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1974 Code, § 1-509)

**3-403.** <u>Bond amounts, conditions, and forms</u>. 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 the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1974 Code, § 1-510)

<sup>&</sup>lt;sup>1</sup>State law reference

Tennessee Code Annotated, § 16-18-307.

#### TITLE 4

#### MUNICIPAL PERSONNEL

#### CHAPTER

- 1. SOCIAL SECURITY.
- 2. VACATION AND SICK LEAVE.
- 3. PERSONNEL REGULATIONS.

#### CHAPTER 1

#### SOCIAL SECURITY

#### SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.

**4-101.** Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Lynnville, Tennessee, to extend at the earliest date, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1974 Code,  $\S$  1-701)

**4-102.** <u>Necessary agreements to be executed</u>. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1974 Code, § 1-702)

**4-103.** <u>Withholdings from salaries or wages</u>. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1974 Code, § 1-703)</u>

4-104. <u>Appropriations for employer's contributions</u>. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1974 Code, § 1-704)

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

# VACATION AND SICK LEAVE

# SECTION

4-201. Personnel rules and regulations.

**4-201.** <u>Personnel rules and regulations</u>. The town council, by ordinance or resolution, may establish and revise a system of personnel rules and regulations.

#### PERSONNEL REGULATIONS

#### SECTION

- 4-301. Acceptance of gratuities.
- 4-302. Outside employment.
- 4-303. Political activity.
- 4-304. Use of municipal time, facilities, etc.
- 4-305. Use of position.

**4-301.** <u>Acceptance of gratuities</u>. 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. (1974 Code, § 1-902)

**4-302.** <u>**Outside employment**</u>. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1974 Code,  $\S$  1-903)

**4-303.** <u>Political activity</u>. Employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office (except for membership on the board of mayor and aldermen), the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Provided, however, no employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election.

4-304. 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. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1974 Code, § 1-905)

**4-305.** <u>Use of position</u>. 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. (1974 Code,  $\S$  1-906)

## TITLE 5

# **MUNICIPAL FINANCE AND TAXATION**<sup>1</sup>

### **CHAPTER**

- 1. MISCELLANEOUS.
- 2. REAL AND PERSONAL PROPERTY TAXES.
- 3. PRIVILEGE TAXES.
- 4. WHOLESALE BEER TAX.
- 5. PURCHASING.

## **CHAPTER 1**

## **MISCELLANEOUS**

## SECTION

5-101. Official depository for town funds.

**5-101.** <u>Official depository for town funds</u>. Municipal funds may be deposited in any bank or banks located in Giles County. (modified)

<sup>1</sup>Charter references Article III, section 1(l). Article VI. Article VII.

## **REAL AND PERSONAL PROPERTY TAXES**

## SECTION

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

**5-201.** <u>When due and payable</u>.<sup>1</sup> Taxes levied by the town against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied. (1974 Code, § 6-201, modified)

**5-202.** <u>When delinquent--penalty and interest</u>. 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. (1974 Code, § 6-202)

## PRIVILEGE TAXES

#### **SECTION**

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

**5-301.** <u>**Tax levied**</u>. 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" (<u>Tennessee Code Annotated</u>, § 67-4-701, <u>et seq</u>.) 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. (1974 Code, § 6-301)

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

## WHOLESALE BEER TAX

## SECTION

5-401. To be collected.

**5-401.** <u>To be collected</u>. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in <u>Tennessee Code Annotated</u>, title 57, chapter  $6.^1$  (1974 Code, § 6-401)

<sup>&</sup>lt;sup>1</sup>State law reference

<sup>&</sup>lt;u>Tennessee Code Annotated</u>, title 57, chapter 6 provides for a tax of seventeen percent (17%) on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

## PURCHASING

#### SECTION

- 5-501. Maximum expenditure without board approval.
- 5-502. Purchases between \$250.00 and \$4,000.00; verbal quotes required.
- 5-503. Purchases between \$4,000.00 and \$10,000.00; written quotes required.
- 5-504. Purchases over \$10,000.00; public advertisement and competitive bids required.
- 5-505. Advertisement for bids over \$10,000.00.
- 5-506. Bid award.
- 5-507. Emergency purchases.
- 5-508. Exceptions.

**5-501.** <u>Maximum expenditure without board approval</u>. The mayor, or the person(s) designated by the mayor, is hereby authorized to make a purchase costing less than ten thousand dollars (\$10,000.00) provided sufficient funds are appropriated and available for the purchase.

5-502. <u>Purchases between \$250.00 and \$4,000.00; verbal quotes</u> <u>required</u>. A minimum of three (3) verbal quotes shall be obtained whenever possible, including telephone quotes and internet and catalog pricing, for the purchase of goods or services projected to exceed two hundred fifty dollars (\$250.00), but be less than four thousand dollars (\$4,000.00).

**5-503.** <u>Purchases between \$4,000.00 and \$10,000.00; written quotes</u> <u>required</u>. A minimum of three (3) written quotes shall be obtained, whenever possible, for the purchase of goods or services projected to exceed four thousand dollars (\$4,000.00), but be less than ten thousand dollars (\$10,000.00).

**5-504.** Purchases over \$10,000.00; public advertisement and competitive bids required. Public advertisement and competitive bidding shall be required for the purchase of goods and services projected to equal or exceed ten thousand dollars (\$10,000.00), except for those purchases specifically exempted from public advertisement and bidding by the Municipal Purchasing Act of 1983 (Tennessee Code Annotated, § 6-56-301, et. seq.).

**5-505.** <u>Advertisement for bids over \$10,000.00</u>. Whenever an expenditure is proposed to be made at any one (1) time in an amount which in the aggregate will exceed ten thousand dollars (\$10,000.00), the mayor shall advertise for and shall receive sealed bids for the purpose or purposes for which said expenditure is proposed to be made. A notice of the fact that bids will be received for such purposes shall be advertised in a newspaper of general

circulation in the town at least one (1) time and said advertisement shall be made at least ten (10) days prior to the date when bids are received and opened. The advertisement shall give notice to the public of the purpose or purposes for which bids will be received and shall state the time and place when sealed bids will be received and opened. At the time and place specified in the advertisement, the mayor shall publicly open all bids and make the results known to the bidders. The board of mayor and aldermen may reject any and all bids.

**5-506.** <u>Bid award</u>. Any bid or purchase that exceeds ten thousand dollars (\$10,000.) shall be presented to the board of mayor and aldermen for formal award to the lowest responsible bidder. The town reserves the right to reject any and all bids and to waive any irregularities.

5-507. <u>Emergency purchases</u>. Purchases and leases of supplies, materials, or equipment may be made immediately without public advertisement and competitive bidding in actual emergencies from unforeseen causes, including delays by contractors, delays in transportation, or an unexpected amount of work. Once an emergency purchase is made, the mayor shall prepare a record specifying the amount paid, the items purchased, the vendor and the nature of the emergency. An emergency purchase shall be reported to the board of mayor and aldermen not later than the next regular meeting.

**5-508.** <u>Exceptions</u>. Nothing herein shall limit purchases specifically exempted by the Municipal Purchasing Act of 1983.

#### TITLE 6

## LAW ENFORCEMENT

#### CHAPTER

1. POLICE AND ARREST.

2. WORKHOUSE.

## **CHAPTER 1**

## POLICE AND ARREST<sup>1</sup>

## SECTION

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

**6-101.** <u>Policemen subject to chief's orders</u>. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1974 Code, § 1-401)

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

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

**6-104.** <u>When policemen to make arrests</u>. 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:

<sup>&</sup>lt;sup>1</sup>Municipal code reference

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

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1974 Code, § 1-404)

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

**6-106.** <u>Disposition of persons arrested</u>. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the town court for immediate trial or allowed to post bond. When the arrested person is drunk or when the town judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1974 Code, § 1-406)

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

(1) All known or reported offenses and/or crimes committed within the corporate limits.

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1974 Code, § 1-407)

#### **WORKHOUSE**

## SECTION

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

**6-201.** <u>County workhouse to be used</u>. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county.  $(1974 \text{ Code}, \S 1-601)$ 

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

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

## TITLE 7

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

#### **CHAPTER**

- 1. IN GENERAL.
- 2. VOLUNTEER FIRE DEPARTMENT.
- 3. FIREWORKS.

## **CHAPTER 1**

#### **IN GENERAL**

## SECTION

- 7-101. Fire district.
- 7-102. Storage of explosives, flammable liquids, etc.
- 7-103. Gasoline trucks.
- 7-104. Use of fire equipment outside corporate limits.

**7-101.** <u>Fire district</u>. The fire limits shall be and include all property within the corporate limits.

**7-102.** <u>Storage of explosives, flammable liquids, etc</u>. The storage of explosives and blasting agents is prohibited within the corporate limits.

7-103. <u>Gasoline trucks</u>. No person shall operate or park any gasoline truck or any vehicle carrying flammable or combustible liquids within the central business district or any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline or the flammable or combustible liquid.

7-104. <u>Use of fire equipment outside corporate limits</u>. Except for a mutual aid request or through interlocal agreement, no equipment of the fire department shall be used for fighting any fire, or providing any emergency response or other emergency service, outside the corporate limits unless the response is to town property, or unless, when in the opinion of the chief of the fire department, that such fire is in such proximity to property owned by or located within the town so as to endanger the town property.

<sup>&</sup>lt;sup>1</sup>Municipal code reference

Building, utility and residential codes: title 12.

# **VOLUNTEER FIRE DEPARTMENT**<sup>1</sup>

# SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules and regulations.
- 7-204. Records and reports.
- 7-205. Compensation.
- 7-206. Training and maintenance.
- 7-207. Chief to be assistant to state officer.

**7-201.** <u>Establishment, equipment, and membership</u>. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. 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 appointed by the mayor and such number of subordinate officers and firefighters as the mayor shall appoint.

7-202. <u>Objectives</u>. The volunteer 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) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable.

(8) To provide code enforcement and building inspections as directed by the town within adopted codes and ordinances.

(9) To serve as the emergency management agency of the town.

(10) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.

(11) To work with the water department to insure that adequate water supplies for fire protection are available.

<sup>&</sup>lt;sup>1</sup>Municipal code reference

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

(12) To provide public fire and life safety education materials and information to the citizens in order that they may protect themselves from harm and reduce the risk of fire in the community.

**7-203.** <u>Organization, rules, and regulations</u>. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department, under the direction of the mayor.

**7-204.** <u>Records and reports</u>. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor as the mayor shall require. The mayor shall submit a report on those matters as the board of mayor and aldermen may require.

**7-205.** <u>Compensation</u>. All personnel of the volunteer fire department shall receive such compensation for their services as the board shall prescribe.

**7-206.** <u>Training and maintenance</u>. The chief of the fire department shall be responsible for the training of firefighters, and for the maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the mayor.

**7-207.** <u>Chief to be assistant to state officer</u>. Pursuant to requirements of <u>Tennessee Code Annotated</u>, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by <u>Tennessee Code Annotated</u>, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

### **FIREWORKS**

### SECTION

7-301. Definition.

- 7-302. Sales prohibited.
- 7-303. Dates and hours of use.
- 7-304. Violations and penalty.

**7-301.** <u>Definition</u>. "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation and which also meets the definition of Tennessee law.

**7-302.** <u>Sales prohibited</u>. The sale of fireworks within the town limits is hereby prohibited.

7-303. Dates and hours of use. Fireworks may only be used:

- (1) On July 3 between the hours of 10:00 A.M. through 10:30 P.M.
- (2) On July 4, between the hours of 10:00 A.M. through 11:30 P.M.

(3) On December 31 through January 1, between the hours of 8:00 P.M. through 1:00 A.M.

The detonation of fireworks at other times is hereby prohibited.

**7-304.** <u>Violations and penalty</u>. Violations of this chapter shall be subject to a fifty dollar (\$50.00) fine for each occurrence.

#### TITLE 8

### <u>ALCOHOLIC BEVERAGES<sup>1</sup></u>

#### **CHAPTER**

1. INTOXICATING LIQUORS.

2. BEER.

## CHAPTER 1

# **INTOXICATING LIQUORS**

### SECTION

8-101. Prohibited generally.

8-101. <u>Prohibited generally</u>. Except when he is lawfully acting pursuant to applicable state laws<sup>2</sup>, it shall be unlawful for any person acting for himself or for any other person, to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which shall be defined pursuant to <u>Tennessee Code Annotated</u>, § 57-5-101. (1974 Code, § 2-101)

<sup>2</sup>State law reference <u>Tennessee Code Annotated</u>, title 39, chapter 17.

<sup>&</sup>lt;sup>1</sup>State law reference <u>Tennessee Code Annotated</u>, title 57.

# BEER<sup>1</sup>

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. Restricted area.
- 8-210. Temporary permits.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Privilege tax.
- 8-213. Revocation or suspension of beer permits.
- 8-214. Civil penalty in lieu of revocation or suspension.
- 8-215. Loss of clerk's certification for sale to minor.
- 8-216. Violations and penalty.

**8-201.** <u>Beer board established</u>. There is hereby established a beer board to be composed of the mayor and the five (5) members of the Board of Mayor and Aldermen of the Town of Lynnville. The mayor shall serve as chairman. Members of the beer board shall serve without compensation and the terms shall be concurrent with their terms as alderman and mayor. (Ord. #6-3-03, June 2003)

**8-202.** <u>Meetings of the beer board</u>. All meetings of the beer board shall be open to the public. The board shall hold regular meetings at such times as it shall prescribe. When there is business to come before the beer board a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #6-3-03, June 2003)

**8-203.** <u>Record of beer board proceedings to be kept</u>. The mayor shall make a record of the proceedings of all meetings of the beer board. The

<sup>&</sup>lt;sup>1</sup>State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in <u>Watkins v. Naifeh</u>, 635 S.W.2d 104 (1982).

record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #6-3-03, June 2003)

**8-204.** <u>Requirements for beer board quorum and action</u>. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any members present but not voting shall be deemed to have cast a "nay" vote. (Ord. #6-3-03, June 2003)

**8-205.** <u>Powers and duties of the beer board</u>. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (Ord. #6-3-03, June 2003)

**8-206.** <u>"Beer" defined</u>. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors shall be defined pursuant to <u>Tennessee Code Annotated</u>, § 57-5-101. (Ord. #6-3-03, June 2003)

8-207. <u>Permit required for engaging in beer business</u>. (1) It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated*, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashiers check payable to the Town of Lynnville Tennessee. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

(2) Each applicant for a beer permit must establish that he has been a resident of Giles County during the twelve (12) consecutive months immediately preceding the date of his application.

**8-208.** <u>Beer permits shall be restrictive</u>. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be

unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (Ord. #6-3-03, June 2003)

**8-209.** <u>Restricted area</u>. In no event shall a permit be issued authorizing the sale, storage, or manufacturing of beer outside the downtown business district. The downtown business district is defined as:

(1) Mill Street, from the intersection of Main Street to Industrial Park Road;

(2) Main Street, from the intersection of Walnut Street to the eastern city limits;

(3) Church Street, from the intersection of Main Street to McCall Street; and

(4) Vine Street, from the intersection of Main Street to Church Street.

**8-210.** <u>Temporary permits</u>. Temporary beer permits not to exceed a duration of ten (10) days, and not to exceed a maximum of two (2) times in a calendar year, may be issued at the request of an applicant upon the same conditions governing permanent permits. Such a temporary permit shall not allow the sale, storage or manufacture of beer on publicly owned property, except that a temporary permit authorizing the sale of beer on public property may be issued to a bona fide charitable or nonprofit or political organization as defined in *Tennessee Code Annotated*, § 57-4-102, subject to the approval of the board of mayor and aldermen.

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

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

(2) Make or allow any sale of beer between the hours of 12:00 midnight and 6:00 A.M. during any day of the week except on Sundays when beer can only be sold between the hours of 1:00 P.M. and 10:00 P.M.

(3) Allow any loud, unusual or obnoxious noises to emanate from his premises.

(4) Make or allow any sale of beer to anyone under twenty-one (21) years of age.

(5) Allow anyone under twenty-one (21) years of age to loiter in or about his place of business where beer is being sold.

(6) Make or allow any sale of beer to any intoxicated person or to any feeble minded, insane, or otherwise mentally incapacitated person.

(7) Allow drunk persons to loiter about his premises.

(8) Serve, sell or allow the consumption on his premises of any alcoholic beverage with an alcoholic content more than defined pursuant to *Tennessee Code Annotated*, § 57-5-101.

(9) Allow gambling except as may be lawful and permitted by the statutes of the State of Tennessee. (Ord. #6-3-03, June 2003, as amended by Ord. #6-3-03A, June 2006, modified)

**8-212.** <u>Privilege tax</u>. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the Town of Lynnville. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

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

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

# 8-214. Civil penalty in lieu of revocation or suspension.

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

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

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

8-215. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under <u>Tennessee Code Annotated</u>, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

**8-216.** <u>Violations and penalty</u>. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

#### TITLE 9

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

#### **CHAPTER**

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

### **CHAPTER 1**

#### **MISCELLANEOUS**

### SECTION

9-101. "Going out of business" sales.

9-102. Use of sidewalks and public parking spaces restricted.

**9-101.** <u>"Going out of business" sales</u>. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1974 Code, § 5-102)

**9-102.** <u>Use of sidewalks and public parking spaces restricted</u>. No person(s) or entity doing business for profit shall be allowed to use the sidewalks or public parking spaces in Lynnville for the sale or distribution of goods or services except for the person(s) or entity owning or leasing the commercial building which is fronted by such sidewalk space and/or public parking spaces.

The person(s) or entity owning or leasing a commercial building shall have the right to use the sidewalk space and public parking spaces immediately

- Liquor and beer regulations: title 8.
- Noise reductions: title 11.
- Zoning: title 14.

<sup>&</sup>lt;sup>1</sup>Municipal code references

Building, plumbing, wiring and residential regulations: title 12. Junkyards: title 13.

in front of its/their building for the sale or distribution of goods or services. (Ord. #14, Oct. 2000)

# PEDDLERS, ETC.<sup>1</sup>

# SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

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

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

**9-203.** <u>Application for permit</u>. Applicants for a permit under this chapter must file with the recorder a sworn written application containing the following:

(1) Name and physical description of applicant.

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

(3) A brief description of the nature of the business and the goods to be sold.

<sup>&</sup>lt;sup>1</sup>Municipal code references

Privilege taxes: title 5.

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

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

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

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

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

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

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

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

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

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

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

in the same manner as a summons at least three (3) days prior to the date set for hearing. (1974 Code, § 5-205)

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

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

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

**9-209.** <u>Exhibition of permit</u>. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1974 Code, § 5-209)

**9-210.** <u>Policemen to enforce</u>. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1974 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

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

**9-212.** <u>**Reapplication**</u>. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation.  $(1974 \text{ Code}, \S 5-212)$ 

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

# CHARITABLE SOLICITORS

#### SECTION

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

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

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

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant.  $(1974 \text{ Code}, \S 5-302)$ 

**9-303.** <u>Denial of a permit</u>. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1974 Code, § 5-303)

**9-304.** Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1974 Code, § 5-304)

# TAXICABS<sup>1</sup>

# SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance or bond required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.

**9-401.** <u>Taxicab franchise and privilege license required</u>. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1974 Code, § 5-401)

**9-402.** <u>Requirements as to application and hearing</u>. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the governing body; and make a

<sup>1</sup>Municipal code reference

Privilege taxes: title 5.

recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1974 Code,  $\S$  5-402)

**9-403.** <u>Liability insurance or bond required</u>. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insuror to both the insured and the recorder of the municipality. (1974 Code, § 5-403, modified)</u>

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

**9-405.** <u>Mechanical condition of vehicles</u>. It shall be unlawful for any person to operate any taxicab in the town unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1974 Code, § 5-405)</u>

**9-406.** <u>Cleanliness of vehicles</u>. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At

least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1974 Code, § 5-406)

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

**9-408.** <u>License and permit required for drivers</u>. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1974 Code, § 5-408)

**9-409. Qualifications for driver's permit**. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

(1) Makes written application to the chief of police.

(2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.

(3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.

(4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.

(5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.

(6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.

(7) Is familiar with the state and local traffic laws. (1974 Code,  $\S$  5-409)

**9-410.** <u>Revocation or suspension of driver's permit</u>. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1974 Code, § 5-410)

**9-411.** <u>Drivers not to solicit business</u>. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1974 Code, § 5-411)

**9-412.** <u>Parking restricted</u>. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1974 Code, § 5-412)

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

**9-414.** <u>Taxicabs not to be used for illegal purposes</u>. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1974 Code, § 5-414)

**9-415.** <u>Miscellaneous prohibited conduct by drivers</u>. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1974 Code, § 5-415)

**9-416.** <u>Transportation of more than one passenger at the same</u> <u>time</u>. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1974 Code, § 5-416)

# POOL ROOMS<sup>1</sup>

#### SECTION

- 9-501. Prohibited in residential areas.
- 9-502. Hours of operation regulated.
- 9-503. Minors to be kept out; exception.
- 9-504. Gambling etc., not to be allowed.

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

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

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

**9-504.** <u>Gambling, etc., not to be allowed</u>. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. (1974 Code, § 5-504)

<sup>&</sup>lt;sup>1</sup>Municipal code reference Privilege taxes: title 5.

#### **TITLE 10**

# ANIMAL CONTROL<sup>1</sup>

#### CHAPTER

1. IN GENERAL.

2. DOGS.

# **CHAPTER 1**

### IN GENERAL

#### SECTION

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Storage of food.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Inspections of premises.

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

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. (1974 Code,  $\S$  3-101, modified)

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

<sup>&</sup>lt;sup>1</sup>Wherever this title mentions dogs it pertains to dog and cats.

**10-103.** <u>Pen or enclosure to be kept clean</u>. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1974 Code, § 3-103)

**10-104.** <u>Storage of food</u>. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1974 Code, § 3-104, modified)

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

**10-106.** <u>Seizure and disposition of animals</u>. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the governing body.

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

**10-107.** <u>Inspections of premises</u>. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1974 Code, § 3-108)

# DOGS

# SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Running at large prohibited.
- 10-208. Seizure and disposition of dogs.
- 10-209. Violations and penalty.

**10-201.** <u>Rabies vaccination and registration required</u>. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (<u>Tennessee Code Annotated</u>, §§ 68-8-101 through 68-8-114) or other applicable law. (1974 Code, § 3-201, modified)

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

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

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

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

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

**10-207.** <u>Running at large prohibited</u>. It shall be unlawful for any person to permit any dog to run at large within the corporate limits of Lynnville.

"At large." Any dog that is off the premises of the owner and not under the control of the owner or a member of the owner's immediate family, by leash, but a dog upon running board or in the bed of a truck or within an automobile shall be deemed upon the owner's premises. (Ord. #06042015, June 2013)

**10-208.** <u>Seizure and disposition of dogs</u>. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the governing body, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

The pound fee imposed by the Town of Lynnville shall be ten dollars (\$10.00) per day.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.<sup>1</sup> (1974 Code, § 3-207, as amended by Ord. #\_\_\_\_, Oct. 2003)

**10-209.** <u>Violations and penalty</u>. Any person who shall violate this chapter of the Lynnville Municipal Code shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each violation. (Ord. #\_\_\_\_, Oct. 2003)

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see <u>Darnell v.</u> <u>Shapard</u>, 156 Tenn. 544, 3 S.W.2d 661 (1928).

### TITLE 11

# MUNICIPAL OFFENSES<sup>1</sup>

## CHAPTER

- 1. ALCOHOL.
- 2. FORTUNE TELLING, ETC.
- 3. OFFENSES AGAINST THE PEACE AND QUIET.
- 4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
- 5. FIREARMS, WEAPONS AND MISSILES.
- 6. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
- 7. MISCELLANEOUS.
- 8. GAMBLING.
- 9. CURFEW FOR MINORS.

### CHAPTER 1

# <u>ALCOHOL<sup>2</sup></u>

### SECTION

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

**11-101.** <u>Drinking beer, etc., on streets, etc</u>. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1974 Code, § 10-229)

**11-102.** <u>Minors in beer places</u>. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1974 Code, § 10-222)

<sup>1</sup>Municipal code references Animal control: title 10. Fireworks and explosives: title 7. Residential and utility codes: title 12. Traffic offenses: title 15. Streets and sidewalks (non-traffic): title 16.

<sup>2</sup>Municipal code reference Sale of alcoholic beverages, including beer: title 8.

# FORTUNE TELLING, ETC.

# SECTION

11-201. Fortune telling, etc.

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

# **OFFENSES AGAINST THE PEACE AND QUIET**

#### SECTION

11-301. Disturbing the peace.11-302. Anti-noise regulations.

**11-301.** <u>**Disturbing the peace**</u>. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1974 Code, § 10-202)

**11-302.** <u>Anti-noise regulations</u>. 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) <u>Miscellaneous prohibited noises enumerated</u>. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) <u>Exceptions</u>. 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 recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1974 Code, § 10-233)

# **INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL**

# SECTION

11-401. Impersonating a government officer or employee.

11-402. False emergency alarms.

**11-401.** <u>Impersonating a government officer or employee</u>. 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. (1974 Code, § 10-211)

**11-402.** <u>False emergency alarms</u>. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1974 Code, § 10-217)

### FIREARMS, WEAPONS AND MISSILES

### SECTION

11-501. Air rifles, etc.11-502. Weapons and firearms generally.

**11-501.** <u>Air rifles, etc</u>. 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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1974 Code, § 10-213)

**11-502.** <u>Weapons and firearms generally</u>. It shall be unlawful for any unauthorized person to discharge a firearm within the town limits.

# TRESPASSING AND INTERFERENCE WITH TRAFFIC

#### SECTION

11-601. Trespassing.

11-602. Trespassing on trains.

11-603. Interference with traffic.

**11-601.** <u>**Trespassing**</u>. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

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

**11-602.** <u>**Trespassing on trains</u></u>. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1974 Code, § 10-221)</u>** 

**11-603.** <u>Interference with traffic</u>. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1974 Code, § 10-232)

## **MISCELLANEOUS**

# SECTION

- 11-701. Abandoned refrigerators, etc.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices, etc.

**11-701.** <u>Abandoned refrigerators, etc</u>. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1974 Code, § 10-223)

**11-702.** <u>**Caves, wells, cisterns, etc**</u>. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1974 Code, § 10-223)

**11-703.** <u>Posting notices, etc</u>. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1974 Code, § 10-227)

#### **GAMBLING**

#### **SECTION**

11-801. Gambling.11-802. Promotion of gambling.

**11-801.** <u>**Gambling**</u>. 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. (1974 Code, § 10-215)

**11-802.** <u>**Promotion of gambling**</u>. 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. (1974 Code, § 10-216)

### **CURFEW FOR MINORS**

#### SECTION

- 11-901. Minors seventeen (17) and eighteen (18) years of age.
- 11-902. Minors sixteen (16) years of age and younger.
- 11-903. Parent or guardian liable for violation.
- 11-904. Exceptions.
- 11-905. Enforcement.
- 11-906. Violations and penalty.

**11-901.** <u>Minors seventeen (17) and eighteen (18) years of age</u>. It is unlawful for any minor between the ages of seventeen (17) and eighteen (18) to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the town limits of Lynnville, Tennessee during the following time frames:

(1) Monday through Sunday between the hours of 12:00 midnight to 6:00 A.M.

(2) Friday through Sunday between the hours of 12:00 midnight to 6:00 A.M. (Ord. #204, Oct. 1998)

**11-902.** <u>Minors sixteen (16) years of age and younger</u>. It shall be unlawful for any minor sixteen (16) years of age and under to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the county during the following time frames: Monday through Sunday between the hours of 11:00 P.M. to 6:00 A.M. (Ord. #204, Oct. 1998)

**11-903.** <u>Parent or guardian liable for violation</u>. It shall be unlawful for a parent or guardian of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any street or establishment under circumstances not constituting an exception to, or otherwise beyond the scope of this chapter. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. The term "knowingly" is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child. (Ord. #204, Oct. 1998)</u>

**11-904. Exceptions**. The following are valid exceptions to the operation of the curfew established by this chapter:

(1) At any time, if a minor is accompanied by such minor's parent or guardian.

(2) When accompanied by an adult authorized by a parent or guardian of such minor to take such parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area.

(3) Until the hour of 12:30 A.M. if the minor is on an errand as directed by such minor's parents.

(4) If the minor if legally employed, for the period from forty-five (45) minutes before to forty-five (45) minutes after work while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of the minor's employment. To come within this exception, the minor must be carrying written evidence of employment which is issued by the employer.

(5) Until the hour of 12:30 A.M., if the minor is on the property of, or the sidewalk directly adjacent to, the place where such minor resides or the place immediately adjacent thereto, if the owner of the adjacent building does not communicate an objection to the minor and the law enforcement officer of the town.

(6) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond 1:00 A.M.

(7) In the ease of reasonable necessity, but only after such minor's parent has communicated to law enforcement personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including place of origin and destination. A copy of such communication, or the record thereof, and appropriate notation of the time it was received and of the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception.

(8) When exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. A minor shall show evidence of the good faith of such exercise and provide notice to the town officials by first delivering to the appropriate law enforcement authority a written communication, signed by such minor, with the minor's home address and telephone number, addressed to the mayor of the town specifying when, where and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of a first amendment right specified in such communication.

(9) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

Each of the foregoing exceptions, and the limitations, are severable. (Ord. #204, Oct. 1998)

**11-905.** <u>Enforcement</u>. When any child is in violation of this chapter, the apprehending officer shall act in one of the following ways:

(1) In case of a first violation, and if in the opinion of the officer such action would be effective, take the child to the child's home and warn and counsel the parents or guardians;

(2) Issue a summons to the child and/or parents or guardians to appear at the juvenile court; or

(3) Bring the child into the custody of the juvenile court for disposition. (Ord. #204, Oct. 1998)

**11-906.** <u>Violations and penalty</u>. A minor violating the provisions of this section shall commit an unruly act, the disposition of which shall be governed pursuant to <u>Tennessee Code Annotated</u>, title 37.

Any parent, guardian, or other person having the care, custody and control of a minor violating the provisions of this chapter commits a class C misdemeanor and shall be fined no more than fifty dollars (\$50.00) for each such offense; each violation of the provisions of this chapter shall constitute a separate offense. (Ord. #204, Oct. 1998)

#### **TITLE 12**

### **BUILDING, UTILITY, ETC. CODES**

#### **CHAPTER**

## 1. PROPERTY MAINTENANCE CODE.

# CHAPTER 1

### PROPERTY MAINTENANCE CODE

### SECTION

- 12-101. Property maintenance code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Amendments.
- 12-105. Violations and penalty.

**12-101.** <u>Property maintenance code adopted</u>. Pursuant to authority granted by <u>Tennessee Code Annotated</u>, §§ 6-54-501--6-54-506 and for the purpose of securing the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the <u>International Property Maintenance Code</u>,<sup>1</sup> 2012 edition, and Appendix A thereto, as prepared and published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the property maintenance code.

**12-102.** <u>Modifications</u>. (1) <u>Definitions</u>. Whenever the property maintenance code refers to the "Chief Appointing Authority" it shall be deemed a reference to the mayor. Whenever the property maintenance code refers to the "Code Official," it shall be deemed a reference to the mayor or such person as the mayor shall have appointed or designated to administer and enforce the provisions of the property maintenance code.

(2) <u>Modifications and insertions</u>. The following modifications and insertions are made to the property maintenance code:

- 101.1 Title Insert "Town of Lynnville Tennessee"
- 103.5 Fees Delete
- 112.4 Failure to comply Delete
- 302.4 Weeds Insert "twelve (12) inches"

<sup>&</sup>lt;sup>1</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

- 304.14 Insect screens Insert "April to October"
- 602.3 Heat supply Insert "November 1 to March 31"

**12-103.** <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-104.** <u>Amendments</u>. In accordance with <u>Tennessee Code Annotated</u>, § 6-54-502(c), the mayor, as the municipal code administrative official, shall adopt administrative regulations to incorporate subsequent changes and amendments to the property maintenance code as prepared and published from time to time by the International Code Council. These amendments shall be identified by the mayor as to date and source and shall take effect as provided in <u>Tennessee Code Annotated</u>, § 6-54-502(d), unless disapproved by resolution of the city council.

**12-105.** <u>Violations and penalty</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified.

### **TITLE 13**

#### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### **CHAPTER**

- 1. MISCELLANEOUS.
- 2. SLUM CLEARANCE.
- 3. JUNKED AND ABANDONED VEHICLES.

## **CHAPTER 1**

#### **MISCELLANEOUS**

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.

**13-101.** <u>Health officer</u>. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1974 Code, § 8-101)

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

**13-103.** <u>Stagnant water</u>. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1974 Code, § 8-106)

<sup>&</sup>lt;sup>1</sup>Municipal code references Animal control: title 10. Littering streets, etc.: § 16-107.

**13-104.** <u>Weeds</u>. 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 recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1974 Code, § 8-107)

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

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

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

## **SLUM CLEARANCE**

### SECTION

13-201. Definitions.

13-202. Structures unfit for human use.

13-203. Procedure.

13-204. Conditions to be considered.

13-205. Service of complaints and orders.

13-206. Powers of board of mayor and aldermen.

13-201. <u>Definitions</u>. As used in this chapter, unless the context otherwise requires:

(1) "Chief of police" means the Chief of Police of the Town of Lynnville.

(2) "Governing body" means the Board of Mayor and Aldermen of the Town of Lynnville.

(3) "Municipality" means the Town of Lynnville.

(4) "Owner"means the holder(s) of the title in fee simple and every mortgagee of record.

(5) "Parties of interest" means all individuals, associations, corporations or others who have interests of record in a structure and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited, and does not include residential structures.

(7) "Structure" means any place of public accommodation, vacant building or structure suitable as a place of public accommodation, a barn or other building used for agricultural purposes, but does not include family dwellings. (Ord. #120203, March 2004)

13-202. <u>Structures unfit for human use</u>. Whenever the Board of Mayor and Aldermen of the Town of Lynnville, after proper notice and hearing, determines that there exists in the Town of Lynnville structures which are unfit for human use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe, unsanitary, dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of this municipality, said board is hereby authorized to exercise the police power of the municipality, to repair, close or demolish the aforementioned structure in the manner herein provided. (Ord. #120203, March 2004)

13-203. <u>Procedure</u>. (1) Whenever a petition is filed with the board of mayor and aldermen by the mayor, chief of police or by at least five (5) residents of the municipality charging that any structure is unfit for human use, then the said board shall issue and cause to be served upon the owner of and parties in interest of such structure, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the board of mayor and aldermen at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint.

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

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board of mayor and aldermen.

(2) If, after such notice and hearing, the board of mayor and aldermen by majority vote determines that the structure under consideration is unfit for human use, it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which provides:

(a) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, the owner, within the time specified in the order, shall repair, alter or improve such structure to render it fit for human occupation or use or shall vacate and close the structure as a place for human use; or

(b) If the repair, alteration or improvement of the structure cannot be made at reasonable cost in relation to the value of the structure, the owner, within the time specified in the order, shall remove or demolish such structure.

An appeal of said order by the property owner(s) shall be to the Circuit Court of Giles County, Tennessee within ten (10) days of the date that service upon the owner(s) is made by personal service or by registered mail.

(3) If the owner fails to comply with an order to repair, alter, improve or vacate and close the structure, the chief of police shall cause such structure to be repaired, altered, improved, or vacated and closed; and shall cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human use. The use or occupation of this building is prohibited and unlawful."

(4) If the owner fails to comply with an order of the board of mayor and aldermen to remove or demolish the structure, the chief of police shall cause such structure to be removed or demolished;

(5) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demotion by the chief of police shall be assessed against the owner(s) of the property, and shall, upon the filing of the notice with the office of the Register of Deeds of Giles County, Tennessee, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal clerk or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed. If the structure is removed or demolished, the chief of police shall sell the materials of such structure and shall credit the proceeds of such sale, if any, against the costs of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the chief of police, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person(s) found to be entitled thereto by final order or decree of such court. (Ord. #120203, March 2004, as amended by Ord. #120203(a), Jan. 2004)

13-204. <u>Conditions to be considered</u>. The board of mayor and aldermen may determine that a structure is unfit for human use if it finds by majority vote that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or residents of the municipality. Such conditions may include the following (without limiting the generality or the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (Ord. #120203, March 2004)

13-205. <u>Service of complaints and orders</u>. Complaints or orders issued pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained in the exercise of reasonable diligence, and the chief of police shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2,) consecutive weeks in a newspaper printed and published in Giles County, Tennessee and circulating in the municipality. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Giles County, Tennessee, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #120203, March 2004)

13-206. <u>Powers of board of mayor and aldermen</u>. The board of mayor and aldermen shall exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers, in addition to others herein granted, to:

(1) Investigate conditions in the municipality in order to determine if structures therein are unfit for human use;

(2) Administer oaths, affirmations, examine witnesses and receive evidence;

(3) Enter upon premises for the purpose of making examinations; provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession. (Ord. #120203, March 2004)

# JUNKED AND ABANDONED VEHICLES

## SECTION

- 13-301. Definitions.
- 13-302. Junked vehicles declared to be nuisance.
- 13-303. Abandonment of vehicles prohibited; junked vehicles restricted.
- 13-304. Notice to property owners or lessees.
- 13-305. Removal when property owner cannot be located.
- 13-306. Impounding vehicles.
- 13-307. Vehicles to be sold at public auction; redemption.
- 13-308. Exceptions.
- 13-309. Violations and penalty.

13-301. <u>Definitions</u>. As used in this chapter, unless the context otherwise requires:

(1) "Abandoned motor vehicle" is such as is defined in <u>Tennessee Code</u> <u>Annotated</u>, § 55-16-103(b).

(2) "Junked motor vehicle" is any motor vehicle, the condition of which is anyone or more of the following:

- (a) Wrecked;
- (b) Dismantled or partially dismantled;
- (c) Inoperative;
- (d) Discarded.

(3) "Person" shall mean any person, firm, partnership, corporation, association, company, or organization, of any kind.

(4) "Property" shall mean any real property within the corporate limits of the Town of Lynnville which is not a street or highway.

(5) "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(6) "Town" or "city" shall mean Town of Lynnville, Tennessee.

(7) "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. #151, \_\_\_\_, Ord. #010604, Jan. 2004)

**13-302.** <u>Junked vehicles declared to be nuisance</u>. The location or presence of any junked motor vehicle on a lot, tract, or parcel of land, portion thereof, or upon any street, highway, road, or public property of any governmental entity, or upon any property occupied or unoccupied, improved or unimproved, shall be deemed a public nuisance, and it shall be unlawful for any

person or other legal entity to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding a motor vehicle or vehicles upon the property of another, or to suffer, permit, or allow the same to be placed, located, maintained, or to exist upon real property belonging to such party, but shall not apply to any junked motor vehicle in a completely enclosed building, or to any junked or abandoned motor vehicle in an appropriate storage place officially designed and maintained by the Town of Lynnville. (Ord. #151, \_\_\_\_)

**13-303.** <u>Abandonment of vehicles; junked vehicles restricted</u>. No person shall abandon any vehicle within the town. It shall be presumed that any vehicle which has been left at any one place within a parking lot owned or operated by the town or on a street or highway within the town for a period of forty-eight (48) hours consecutively is an abandoned vehicle.

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the town.

No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than five (5) days; and no person shall leave any such vehicle on any property within the town for a longer time than five (5) days; except that this chapter shall not apply with regard to a vehicle in an enclosed building, or a vehicle on the premises of 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. (Ord. #010604, Jan. 2004, as amended by Ord. #151, \_\_\_\_)

13-304. Notice to property owners or lessees. (1) The chief of police, or his designee, is hereby authorized and empowered to give written notice to the owner(s) or person(s) being in charge of any premises in the Town of Lynnville, on which there is located a partially dismantled, non-operating, wrecked, junked, or discarded vehicle in violation of this chapter, which said notice shall direct said person(s) to appear before the municipal court of the Town of Lynnville at a time and place to be fixed in said notice, and then and there show cause why the said vehicle should not be declared a nuisance, and an order issued, requiring the same to be removed and impounded. A motor vehicle for all purposes hereunder is defined any vehicle which is self propelled and any device in, upon, or by which any person or property is or may be transported from one location to another, excepting devices moved only by human power.

Said notice shall be in substantially the following form:

# "NOTICE"

To the owner or owners of the following described property located in the Town of Lynnville, Tennessee, or to the person(s) in charge of the following described property in said town:

## NAME OR NAMES

# DESCRIPTION OF PROPERTY\_\_\_\_\_

You are hereby notified that there exists on the above mentioned property a partially dismantled, non-operating, wrecked, junked or discarded vehicle in violation of chapter 8 of title 15 of the Town of Lynnville Municipal Code. You are further notified that a hearing will be conducted by the judge of the municipal court for the Town of Lynnville, Tennessee, at the court room in the town municipal building, at\_0' clock \_\_.M. on the day of ,\_\_\_ 200\_, at which time and place you are directed to appear and show cause, if any you have, why the said vehicle should not be declared a nuisance and an order issued requiring the same to be removed and impounded.

(2) The notice provided for above shall be served upon the owner(s) of said property (or the person having charge of same), if he is known and can be found within the Town of Lynnville, Tennessee, but if such person is not known or cannot be found within the Town of Lynnville, service of said notice shall be effected by posting one (1) copy thereof on the premises where said vehicle is found, and the notice as herein provided for shall be served or posted, as the case may be, at least five (5) days before the date fixed for hearing before the municipal judge.

(3) At the time and place appointed in the notice provided for in subsection (1) above, the judge shall conduct a hearing for the purpose of determining whether the said vehicle complained of exists in violation of this chapter and if he finds that same constitutes a violation of this chapter, he shall so declare the same and shall make an order requiring the removal of said vehicle within five (5) days from the making of said order. (Ord. #010604, Jan. 2004)

**13-305.** <u>Removal when property owner cannot be located</u>. If the premises on which a junked motor vehicle is located contrary to the provisions of this chapter are unoccupied and the owner, or agent, or any person having an interest therein, cannot be found, the chief of police, or his duly authorized representative, shall abate such public nuisance by entering upon the property

and impounding and taking into custody the motor vehicle in question and disposing of the same in accordance with the provisions of <u>Tennessee Code</u> <u>Annotated</u>, §§ 55-16-103 through 55-16-109, inclusive. Such impoundment and disposition shall not relieve any person or party from any liability or penalty imposed upon conviction for violating other provisions of this chapter but is in addition to any other penalty provided by law. (Ord. #151, \_\_\_\_)

**13-306.** <u>Impounding vehicles</u>. The Chief of Police of the Town of Lynnville or his deputy is 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 lost, stolen or unclaimed. Any vehicle so taken up and removed shall be stored in a suitable place provided by the town. A permanent record giving the date of the taking of the vehicle, the place where found and taken, and a description of the vehicle shall be kept by the chief of police. (Ord. #010604, Jan. 2004)

13-307. Vehicles to be sold at public auction; redemption. At least every six (6) months, the chief of police, or his designee, shall sell at public auction to the highest bidder for cash the vehicle or vehicles herein authorized to be removed and taken up and which shall have been taken up and stored for a period of three (3) months or more, the sales to be made after notice of the time and place thereof shall have first been given by publication once a week for two (2) successive weeks in a newspaper of general circulation published in Giles County, Tennessee. The first publication shall be at least twenty (20) days before the sale. Each vehicle shall be sold separately and a notation in the storage record book shall be made of the amount received for each vehicle. The person making the sale shall have the right to reject any and all bids if the amount of bid is unreasonably low and shall have the right to continue the sales from time to time if no bidders are present. After deducting and paying all expenses incurred in the removal, taking up, storing, maintaining and selling of the vehicle or vehicles, the balance, if any, shall be paid into the general fund of the town.

The owner(s) of any vehicle taken up and stored as herein provided may redeem the same at any time prior to its sale by paying the reasonable expense of taking the vehicle in charge, its maintenance and storage and a prorata of the costs of publication. (Ord. #010604, Jan. 2004)

**13-308.** <u>Exceptions</u>. The provisions of this chapter shall not apply to the following:

(1) Motor vehicles in an operable condition and specifically adapted or constructed for racing or operation on drag strips or raceways.

(2) Motor vehicles retained by the owner for bona fide antique collection purposes rather than for salvage or transportation and where a nuisance is not created.

(3) Motor vehicles stored with the permission of the property owner by a member of the armed forces of the United States who is on active duty assignment. (Ord. #151, \_\_\_\_)

**13-309.** <u>Violations and penalty</u> Any person, firm, corporation, or other legal entity, violating this chapter upon conviction thereof shall be fined no less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00) for each offense, and each day of continued violation shall constitute as separate and distinct offense. (Ord. #151, \_\_\_\_)

### **TITLE 14**

## ZONING AND LAND USE CONTROL

### CHAPTER

1. FLOOD DAMAGE PREVENTION ORDINANCE.

2. MISCELLANEOUS.

## CHAPTER 1

## CHAPTER 2

## FLOOD DAMAGE PREVENTION ORDINANCE

## SECTION

14-101. Flood damage control to be governed by flood damage prevention ordinance.

14-101. <u>Flood damage control to be governed by flood damage</u> <u>prevention ordinance</u>. Regulations governing flood damage control within the Town of Lynnville shall be governed by Ordinance #90407, titled "Lynnville Municipal Flood Damage Prevention Ordinance" and any amendments thereto.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup>Ordinance #90407, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

#### **MISCELLANEOUS**

#### SECTION

14-201. Restriction on using commercial building for residential purposes. 14-202. Single wide mobile homes prohibited.

14-201. <u>Restriction on using commercial building for residential</u> <u>purposes</u>. The front portion of the first floor of any commercial building located within the town limits of Lynnville, Tennessee may not be used for residential purposes. The front portion of a commercial building shall be defined as that portion of the first floor which extends back from the front door or entrance to said building for a distance of forty-five feet (45'). (Ord. #20, Aug. 1997)

14-202. <u>Single wide mobile homes prohibited</u>. No single wide mobile home, trailer home or modular home may be placed or located anywhere within the town limits of Lynnville, Tennessee. A single wide mobile home, trailer home or modular home means a structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be used upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or it is jacked up or skirted. (Ord. #21, August 1987)

## TITLE 15

## MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### **CHAPTER**

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

## **CHAPTER 1**

#### **MISCELLANEOUS**

## SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.

<sup>1</sup>Municipal code reference

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

15-122. Adoption of state traffic statutes.

15-101. <u>Motor vehicle requirements</u>. 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 <u>Tennessee Code</u> <u>Annotated</u>, title 55, chapter 9. (1974 Code, § 9-101)

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

**15-103.** <u>One-way streets</u>. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1974 Code, § 9-109)

**15-104.** <u>Unlaned streets</u>. (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. (1974 Code, § 9-110)

**15-105.** <u>Laned streets</u>. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1974 Code, § 9-111) **15-106.** <u>Yellow lines</u>. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1974 Code, § 9-112)

**15-107.** <u>Miscellaneous traffic-control signs, etc</u>.<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

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

15-108. <u>General requirements for traffic-control signs, etc</u>. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the <u>Manual on Uniform Traffic Control Devices for Streets and Highways</u>,<sup>2</sup> published by the U.S. Department of Transportation, Federal Highway Administration and shall, so far as practicable, be uniform as to type and location throughout the town. (1974 Code, § 9-114, modified)

**15-109.** <u>Unauthorized traffic-control signs, etc</u>. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1974 Code, § 9-115)

**15-110.** <u>Presumption with respect to traffic-control signs, etc</u>. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1974 Code, § 9-116)

<sup>&</sup>lt;sup>1</sup>Municipal code references

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

<sup>&</sup>lt;sup>2</sup>This document may be obtained at: <u>mutcd.fhwa.dot.gov</u>.

**15-111.** <u>School safety patrols</u>. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1974 Code, § 9-117)

**15-112.** <u>Driving through funerals or other processions</u>. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1974 Code, § 9-118)

**15-113.** <u>Clinging to vehicles in motion</u>. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1974 Code, § 9-120)

**15-114.** <u>**Riding on outside of vehicles**</u>. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1974 Code, § 9-121)

**15-115.** <u>Backing vehicles</u>. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1974 Code, § 9-122)

**15-116.** <u>Projections from the rear of vehicles</u>. 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 inches (12") 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 feet (200') from the rear of such vehicle. (1974 Code, § 9-123)

**15-117.** <u>Causing unnecessary noise</u>. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1974 Code, § 9-124)

**15-118.** <u>Vehicles and operators to be licensed</u>. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1974 Code, § 9-125)

15-119. <u>Passing</u>. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1974 Code,  $\S$  9-126)

15-120. <u>Damaging pavements</u>. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1974 Code,  $\S$  9-119)

15-121. <u>Bicycle riders, etc</u>. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the 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, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon. No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

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

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

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

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

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section.

No person shall operate or ride upon any motorcycle, motorbike, or motor driven cycle unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. (1974 Code, § 9-127, modified)

**15-122.** <u>Adoption of state traffic statutes</u>. By the authority granted under <u>Tennessee Code Annotated</u>, § 16-18-302, and <u>Tennessee Code Annotated</u>, § 55-10-307, the Town of Lynnville adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in <u>Tennessee Code Annotated</u>, §§ 55-8-101 through 55-8-131, 55-8-133 through 55-8-150, and 55-8-152 through 55-8-180. Additionally, the town adopts <u>Tennessee Code Annotated</u>, 55-8-181 through 55-8-193, 55-9-601 through 55-9-606, 55-12-139, and 55-21-108 by reference as if fully set forth in this section.

## **EMERGENCY VEHICLES**

## SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.

**15-201.** <u>Authorized emergency vehicles defined</u>. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1974 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1974 Code,  $\S$  9-103)

<sup>&</sup>lt;sup>1</sup>Municipal code reference

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

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

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

#### SPEED LIMITS

#### SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.
- 15-305. On Main Street.

**15-301.** <u>In general</u>. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1974 Code, § 9-201)

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

**15-303.** <u>In school zones</u>. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1974 Code, § 9-203)

**15-304.** In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1974 Code, § 9-204)

**15-305.** <u>On Main Street</u>. The speed limit on Main Street from Burrough Lane to East End Street be reduced from thirty (30) miles per hour to twenty-five (25) miles per hour. (Ord. #12407, Feb. 2008)

## TURNING MOVEMENTS

#### SECTION

- 15-401. Generally.
- 15-402. Right turns.
- 15-403. Left turns on two-way roadways.
- 15-404. Left turns on other than two-way roadways.
- 15-405. U-turns.

**15-401.** <u>Generally</u>. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1974 Code, § 9-301)

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

**15-403.** <u>Left turns on two-way roadways</u>. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two (2) roadways. (1974 Code,  $\S$  9-303)

**15-404.** Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1974 Code, § 9-304)

15-405. <u>U-turns</u>. U-turns are prohibited. (1974 Code, § 9-305)

<sup>&</sup>lt;sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## **STOPPING AND YIELDING**

#### SECTION

- 15-501. When emerging from alleys, etc.
- 15-502. To prevent obstructing an intersection.
- 15-503. At railroad crossings.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. At pedestrian control signals.
- 15-509. Stops to be signaled.

**15-501.** <u>When emerging from alleys, etc</u>. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1974 Code, § 9-402)

**15-502.** <u>To prevent obstructing an intersection</u>. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1974 Code, § 9-403)

**15-503.** <u>At railroad crossings</u>. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

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

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

(3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach.

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

**15-504.** <u>At "stop" signs</u>. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1974 Code, § 9-405)

**15-505.** <u>At "yield" signs</u>. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1974 Code, § 9-406)

**15-506.** <u>At traffic-control signals generally</u>. 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) <u>Green alone, or "Go"</u>:

(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) <u>Steady yellow alone, or "Caution"</u>:

(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) <u>Steady red alone, or "Stop"</u>:

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the 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 will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the 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) <u>Steady red with green arrow</u>:

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

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1974 Code,  $\S$  9-407)

**15-507.** <u>At flashing traffic-control signals</u>. (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 § 15-504 of this code. (1974 Code, § 9-408)

**15-508.** <u>At pedestrian control signals</u>. 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. (1974 Code, § 9-409)

**15-509.** <u>Stops to be signaled</u>. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1974 Code, § 9-410)

<sup>&</sup>lt;sup>1</sup>State law reference <u>Tennessee Code Annotated</u>, § 55-8-143.

### PARKING

### SECTION

15-601. Generally.

- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.
- 15-613. Specific no parking zones; violation.
- 15-614. Regulation of parking on Vine Street.

**15-601.** <u>Generally</u>. 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 inches (18") 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 inches (18") of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1974 Code, § 9-501)

15-602. <u>Angle parking</u>. 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 feet (24'). (1974 Code, § 9-502)

**15-603.** <u>Occupancy of more than one space</u>. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1974 Code, § 9-503)

**15-604.** <u>Where prohibited</u>. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen feet (15') thereof.
- (4) Within fifteen feet (15') of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty feet (50') of a railroad crossing.

(7) 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 the entrance.

(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.

(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(10) Upon any bridge.

(11) Alongside any curb painted yellow or red by the town. (1974 Code, § 9-504)

**15-605.** <u>Loading and unloading zones</u>. 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. (1974 Code, § 9-505)

**15-606.** <u>Regulation by parking meters</u>. In the absence of an official sign to the contrary which has been installed by the town, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the board of mayor and aldermen, 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. (1974 Code, § 9-506)

**15-607.** <u>Lawful parking in parking meter spaces</u>. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has

been activated or placed in operation in accordance with the instructions printed thereon. (1974 Code, § 9-507)

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

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

**15-609.** Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one (1) space may be permitted to occupy two (2) adjoining spaces provided proper coins are placed in both meters. (1974 Code, § 9-509)

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

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

**15-612.** <u>Presumption with respect to illegal parking</u>. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1974 Code, § 9-512)

**15-613.** <u>Specific no parking zones; violation</u>. (1) It shall be unlawful for any person to park their vehicle in front of the Railroad Museum except for commercial vehicle loading and unloading.

(2) It shall be unlawful for any person to park their vehicle on the right side of Bugg Street, or on the left side of Bugg Street beyond the handicap parking spot.

(3) It shall be unlawful for any person to park their vehicle on either side of the shoulder and/or roadway on Higdon Street.

(4) Any violation of this section is deemed an infraction, shall be punishable by a fine up to fifty dollars (\$50.00). (Ord. #1810, April 2009, as amended by Ord. #1812, April 2009, and Ord. #1813, April 2009)

**15-614.** <u>**Regulation of parking on Vine Street.**</u> (1) It shall be unlawful for any person to park their vehicle on either side of the shoulder and/or side roadway on Vine Street except for commercial vehicles for loading and unloading.

(2) Any violation of this section is deemed an infraction, shall be punishable by a fine up to fifty dollars (\$50.00).

(3) All ordinances in conflict with the provisions of this section are hereby repealed. (Ord. #040511, April 2011)

## **ENFORCEMENT**

## SECTION

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

**15-701.** <u>Issuance of traffic citations</u>.<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1974 Code, § 9-601)</u>

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

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

**15-704.** <u>**Impoundment of vehicles**</u>. 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

<sup>&</sup>lt;sup>1</sup>State law reference

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

vehicle whose operator is arrested or any unattended vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1974 Code, § 9-604)

**15-705.** <u>Disposal of abandoned motor vehicles</u>.<sup>1</sup> "Abandoned motor vehicles," as defined in <u>Tennessee Code Annotated</u>, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of <u>Tennessee Code Annotated</u>, §§ 55-16-103 through 55-16-109. (1974 Code, § 9-605)

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

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

(b) Other parking violations. For other parking violations, for which no other penalty is prescribed, the offender may, within ten (10) days, have the charge against him disposed of by paying to the town recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his civil penalty shall be five dollars (\$5.00).

<sup>&</sup>lt;sup>1</sup>Municipal code reference

Junked and abandoned vehicles: title 15, chapter 8.

### **TITLE 16**

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.

2. EXCAVATIONS AND CUTS.

## **CHAPTER 1**

### **MISCELLANEOUS**

### SECTION

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

**16-101.** <u>**Obstructing streets, alleys, or sidewalks prohibited**</u>. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1974 Code, § 12-101)

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

**16-103.** <u>**Trees, etc., obstructing view at intersections prohibited**</u>. It shall be unlawful for any property owner or occupant to have or maintain on

<sup>&</sup>lt;sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1974 Code, § 12-103)

**16-104.** <u>Projecting signs and awnings, etc., restricted</u>. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1974 Code, § 12-104)

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

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

**16-107.** <u>Littering streets, alleys, or sidewalks prohibited</u>. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1974 Code, § 12-107)

**16-108.** <u>Obstruction of drainage ditches</u>. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1974 Code, § 12-108)

**16-109.** <u>Abutting occupants to keep sidewalks clean, etc</u>. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1974 Code, § 12-109)

**16-110.** <u>**Parades, etc., regulated</u></u>. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first</u>** 

<sup>&</sup>lt;sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1974 Code, § 12-110)

**16-111.** <u>Animals and vehicles on sidewalks</u>. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1974 Code, § 12-112)

**16-112.** <u>Fires in streets, etc</u>. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1974 Code,  $\S$  12-113)

16-113. <u>Certain wheeled devices prohibited in business district</u>; <u>violation</u>. It shall be unlawful for any person to use roller skates, coasters, skateboards, or any similar vehicle or toy or article on wheels or a runner on any public street, roadway, alley, sidewalk, or publicly owned parking lot in the business district of the town.

Any violation of this section is deemed an infraction, and shall be punishable by a fine up to fifty dollars (\$50.00). Further, such violation shall subject the device ridden to impoundment for a period of ten (10) days commencing as of the time of violation. (Ord. #1811, Jan. 2009)

#### **CHAPTER 2**

### EXCAVATIONS AND CUTS

#### SECTION

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

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

16-202. <u>Applications</u>. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1974 Code, § 12-202)

**16-203.** <u>Fee</u>. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case

of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1974 Code, § 12-203)

16-204. <u>Deposit or bond</u>. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the 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 recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1974 Code, § 12-204)

16-205. <u>Manner of excavating--barricades and lights--temporary</u> <u>sidewalks</u>. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1974 Code, § 12-205)

16-206. <u>Restoration of streets, etc</u>. 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 said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the 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.  $(1974 \text{ Code}, \S 12-206)$ 

**16-207.** <u>Insurance</u>. 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 claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for each person and seven hundred thousand dollars (\$700,000.00) for each accident.

**16-208.** <u>**Time limits**</u>. 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 recorder. (1974 Code, § 12-208)

**16-209.** <u>Supervision</u>. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the 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. (1974 Code, § 12-209)

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

#### **TITLE 17**

#### <u>REFUSE AND TRASH DISPOSAL<sup>1</sup></u>

#### **CHAPTER**

1. REFUSE.

## CHAPTER 1

### <u>REFUSE</u>

### SECTION

17-101. Refuse defined.

- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.

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

**17-102.** <u>Premises to be kept clean</u>. 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. (1974 Code, § 8-202)

**17-103.** <u>Storage</u>. 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 town handles mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its contents shall

<sup>&</sup>lt;sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four feet (4') and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection. (1974 Code, § 8-203)

**17-104.** Location of containers. Where alleys are used by the town refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is 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. (1974 Code, § 8-204)

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

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

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

**17-108.** <u>**Disposal**</u>. 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 board of mayor and aldermen is expressly prohibited. (1974 Code, § 8-208)

#### **TITLE 18**

#### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

- 1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
- 2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
- 3. WATER SYSTEM ADMINISTRATION.

### **CHAPTER 1**

#### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>2</sup>

#### SECTION

- 18-101. Definitions.
- 18-102. Places required to have sanitary disposal methods.
- 18-103. When a connection to the public sewer is required.
- 18-104. When a septic tank shall be used.
- 18-105. Registration and records of septic tank cleaners, etc.
- 18-106. Use of pit privy or other method of disposal.
- 18-107. Approval and permit required for septic tanks, privies, etc.
- 18-108. Owner to provide disposal facilities.
- 18-109. Occupant to maintain disposal facilities.
- 18-110. Only specified methods of disposal to be used.
- 18-111. Discharge into watercourses restricted.
- 18-112. Pollution of ground water prohibited.
- 18-113. Enforcement of chapter.
- 18-114. Carnivals, circuses, etc.
- 18-115. Violations and penalty.

**18-101.** <u>**Definitions**</u>. 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 feet (200') of any boundary of said property measured along the shortest available right-of-way;

<sup>2</sup>Municipal code reference

<sup>&</sup>lt;sup>1</sup>Municipal code references

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

Plumbing code: title 12, chapter 2.

"Approved septic tank system." A watertight covered receptacle of (2)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 seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation 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 feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). 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 feet (5). 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;

(3) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;

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

(5) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1974 Code, § 8-301)

**18-102.** <u>Places required to have sanitary disposal methods</u>. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1974 Code, § 8-302)

18-103. <u>When a connection to the public sewer is required</u>. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1974 Code, § 8-303)

**18-104.** <u>When a septic tank shall be used</u>. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1974 Code, § 8-304)

18-105. <u>Registration and records of septic tank cleaners, etc</u>. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1974 Code, § 8-305)

18-106. <u>Use of pit privy or other method of disposal</u>. Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1974 Code, § 8-306)

18-107. <u>Approval and permit required for septic tanks, privies,</u> <u>etc</u>. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1974 Code, § 8-307)

**18-108.** <u>**Owner to provide disposal facilities**</u>. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner to provide such facilities. (1974 Code, § 8-308)

**18-109.** <u>Occupant to maintain disposal facilities</u>. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere

with the operation of such facilities shall be deposited therein. (1974 Code, \$ 8-309)

**18-110.** <u>**Only specified methods of disposal to be used**</u>. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1974 Code, § 8-310)

**18-111.** <u>Discharge into watercourses restricted</u>. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1974 Code, § 8-311)

18-112. <u>Pollution of ground water prohibited</u>. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1974 Code, § 8-312)

18-113. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) 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, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1974 Code, § 8-313)

18-114. <u>Carnivals, circuses, etc</u>. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1974 Code, § 8-314)

**18-115.** <u>Violations and penalty</u>. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1974 Code, § 8-315)

## **CHAPTER 2**

## CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

### SECTION

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Violations and penalty.

**18-201.** <u>Definitions</u>. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the town for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (1974 Code, § 8-401)

**18-202.** <u>Standards</u>. The municipal public water supply is to comply with <u>Tennessee Code Annotated</u>, §§ 68-221-701 through 68-221-720 as well as

<sup>&</sup>lt;sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

the rules and regulations for public water supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses.

18-203. <u>Construction, operation, and supervision</u>. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the water department or his representative. (1974 Code, § 8-402)

18-204. <u>Statement required</u>. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water department a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1974 Code, § 8-403, modified)

18-205. <u>Violations and penalty</u>. The requirements contained herein shall apply to all premises served by the town water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances.

In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the water department may discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1974 Code, § 8-404, modified)

### **CHAPTER 3**

#### WATER SYSTEM ADMINISTRATION

#### SECTION

- 18-301. Application and scope.
- 18-302. Definitions.
- 18-303. Application and contract for service.
- 18-304. Service charges for temporary service.
- 18-305. Connection charges.
- 18-306. Water and sewer main extensions.
- 18-307. Water and sewer main extension variances.
- 18-308. Meters.
- 18-309. Meter tests.
- 18-310. Multiple services through a single meter.
- 18-311. Customer billing and payment policy.
- 18-312. Termination or refusal of service.
- 18-313. Termination of service by customer.
- 18-314. Access to customers' premises.
- 18-315. Inspections.
- 18-316. Customer's responsibility for system's property.
- 18-317. Customer's responsibility for violations.
- 18-318. Supply and resale of water.
- 18-319. Unauthorized use of or interference with water supply.
- 18-320. Limited use of unmetered private fire line.
- 18-321. Damages to property due to water pressure.
- 18-322. Liability for cutoff failures.
- 18-323. Restricted use of water.
- 18-324. Interruption of service.
- 18-325. Schedule of rates.

18-301. <u>Application and scope</u>. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Ord. #1814, July 2009)

**18-302.** <u>Definitions</u>. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

(2) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit or other multiple dwelling unit shall be considered a separate dwelling. (3) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(4) "Service line" shall consist of the pipe line extending from any water or sewer main of the town to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the town's water main to and including the meter and meter box. (Ord. #1814, July 2009)

18-303. <u>Application and contract for service</u>. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay an application fee of one hundred dollars (\$100.00) before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish such service. The receipt of a prospective customer's application for service shall not obligate the town to render the service applied for. [If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the town to the applicant shall be limited to the return of any service deposit made by such applicant.] (Ord. #1814, July 2009, modified)

**18-304.** <u>Service charges for temporary service</u>. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (Ord. #1814, July 2009)

18-305. <u>Connection charges</u>. Service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town. Before a new water or sewer service line will be laid by the town, the applicant shall pay a nonrefundable connection charge adopted by appropriate resolution. When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (Ord. #1814, July 2009)

18-306. <u>Water and sewer main extensions</u>. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions. All such extensions shall be installed either by town forces or by

other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee. Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (Ord. #1814, July 2009)

**18-307.** <u>Water and sewer main extension variances</u>. Whenever the board of mayor and aldermen is of the opinion that it is in the best interest of the town and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen. The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (Ord. #1814, July 2009)

18-308. <u>Meters</u>. All meters shall be installed, tested, repaired, and removed only by the town. No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (Ord. #1814, July 2009)

**18-309.** <u>Meter tests</u>. The town will, at its own expense, make routine tests of meters when it considers such tests desirable. In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8",3/4",1",2"	2%
3"	3%
4"	4%

18-	12
-----	----

6"	5%	
The town will also make tests or inspections of its meters at the request of the		
customer. However, if a test requested by a customer shows a meter to be		
accurate within the limits stated above, the customer shall pay a meter testing		
charge in the amount stated in the following table:		

Meter size test	Charge
5/8", 3/4", 1"	\$12.00
1-1/2", 2"	\$15.00
3"	\$13.00
4"	\$22.00
6" and over	\$30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (Ord. #1814, July 2009)

**18-310.** Multiple services through a single meter. No customer shall supply water service to more than one (1) dwelling, premise, duplex unit; apartment or other multiple dwelling unit from a single service line and meter without first obtaining the written permission of the town. Where the town allows more than one (1) dwelling, premise, duplex unit, apartment or other multiple dwelling unit to be served through a single service line and meter, the amount of water used by all the dwellings, premises, duplex units, apartments or other multiple dwelling units served through a single service line and meter shall be allocated to each separate dwelling, premise, duplex unit, apartment or other multiple dwelling unit served. The water charge of each such dwelling, premise, duplex unit, apartment or other multiple dwelling unit thus served shall be computed just as if each such dwelling, premise, duplex unit, apartment or other multiple dwelling unit had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling, premise, duplex, unit, apartment or other multiple dwelling unit served through a single service line meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (Ord. #1814, July 2009)

**18-311.** <u>Customer billing and payment policy</u>. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than ten (10) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is

established for all members a late payment charge not to exceed ten percent (10%) for any portion of the bill paid after the net payment period. Payment must be received in the water and sewer department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 4:30 P.M. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (Ord. #1814, July 2009)

**18-312.** <u>Termination or refusal of service</u>. (1) <u>Basis of termination</u> <u>or refusal</u>. The town shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

(a) These rules and regulations, including the nonpayment of bills.

(b) The customer's application for service.

(c) The customer's contract for service.

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

(2) <u>Termination of service</u>. Reasonable written notice shall be given to the customer before termination of water service according to the following terms and connections:

(a) Written notice of termination (cut-off) shall be given to the customer at least one (1) day prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off; and

(I) The amount due, including other charges;

(ii) The last date to avoid service termination;

(iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If the customer is not at home, a notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office during normal business hours, or by special request and appointment a hearing may be scheduled outside those hours. (d) Termination will not be made on any preceding day when the water and sewer department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the water and sewer department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge adopted by appropriate resolution. (Ord. #1814, July 2009)

18-313. <u>Termination of service by customer</u>. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract terms will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule. When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

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

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (Ord. #1814, July 2009)

18-314. <u>Access to customers' premises</u>. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (Ord. #1814, July 2009)

18-315. <u>Inspections</u>. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town. Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (Ord. #1814, July 2009)

**18-316.** <u>Customer's responsibility for system's property</u>. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (Ord. #1814, July 2009)

**18-317.** <u>Customer's responsibility for violations</u>. Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (Ord. #1814, July 2009)

**18-318.** <u>Supply and resale of water</u>. All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town. (Ord. #1814, July 2009)

**18-319.** <u>Unauthorized use of or interference with water supply</u>. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (Ord. #1814, July 2009)

18-320. <u>Limited use of unmetered private fire line</u>. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town. All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for

any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (Ord. #1814, July 2009)

**18-321.** <u>Damages to property due to water pressure</u>. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (Ord. #1814, July 2009)

**18-322.** <u>Liability for cutoff failures</u>. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that the water enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained after his water service has been cut off. (Ord. #1814, July 2009)

**18-323.** <u>Restricted use of water</u>. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (Ord. #1814, July 2009)

18-324. <u>Interruption of service</u>. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever. In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruptions of service or for damages from the resumption of service without notice after any such interruption. (Ord. #1814, July 2009)

18-325. <u>Schedule of rates</u>. All water and sewer service shall be furnished under such rate schedules as the governing body may adopt. (Ord. #1814, July 2009, modified)

#### **TITLE 19**

## **ELECTRICITY AND GAS**

#### **CHAPTER**

1. ELECTRICITY.

2. GAS.

### **CHAPTER 1**

## **ELECTRICITY**

### SECTION

19-101. To be furnished under franchise.

**19-101.** <u>To be furnished under franchise</u>. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>1</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1974 Code, § 13-301)

<sup>19-1</sup> 

<sup>&</sup>lt;sup>1</sup>The agreements are of record in the office of the recorder.

### CHAPTER 2

## $\underline{\mathbf{GAS}}^1$

### SECTION

19-201. To be furnished under franchise.

**19-201.** <u>To be furnished under franchise</u>. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>2</sup> (1974 Code, § 13-401)

<sup>&</sup>lt;sup>1</sup>Municipal code reference Fuel gas code: title 12.

<sup>&</sup>lt;sup>2</sup>The agreements are of record in the office of the recorder.

#### TITLE 20

#### **MISCELLANEOUS**

#### CHAPTER

## 1. OPERATING HOURS OF LYNNVILLE TOWN PARK.

## CHAPTER 1

#### **OPERATING HOURS OF LYNNVILLE TOWN PARK**

### SECTION

20-101. Operating hours.

**20-101.** <u>Operating hours</u>. (1) The hours of the town park shall be opened from sun-up until sun down. No person shall, under any circumstances, enter or remain in any park after the posted park closing time, or enter the park premises between the posted park closing time and the posted park opening time without permission from the town. Any person found in the park between the posted park closing time and the posted park opening time without written authorization from the town will be in violation of this section, which is a criminal offense.

(2) All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed. (Ord. #08072012, Aug. 2012)

# Appendix A

## 1. <u>Campaign finance</u>.

All candidates for the chief administrative office (mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A.  $\S$  2-10-101–118).

Contributions to political campaigns for municipal candidates are limited to:

- a. \$1,000 from any person (including corporations and other organizations);
- b. \$5,000 from a multicandidate political campaign committee;
- c. \$20,000 from the candidate;
- d. \$20,000 from a political party; and
- e. \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301–310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

## 2. Conflicts of Interest.

Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of goods or services in a municipality. A "direct interest" is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107–108, T.C.A. § 12-4-101–102).

## 3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 *et seq.* Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

## 4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from "knowingly" receiving any form of compensation for "consulting services" other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

"Consulting services" under T.C.A. § 2-10-122 means "services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official." "Consulting services" also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. "Consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure; "Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

## 5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct. official oppression, misuse of official information.

a. Public misconduct offenses under <u>Tennessee Code Annotated</u> § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under <u>Tennessee Code Annotated</u> § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under <u>Tennessee Code Annotated</u> § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. <u>Tennessee Code Annotated</u> § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. <u>Tennessee Code Annotated</u> § 39-16-406.

### 7. <u>Ouster law</u>.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude" (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal "duty" to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that "there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county." However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney's duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101–102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).

Ordinance No. 1666

## An Ordinance Adopting and Enacting Supplemental and Replacement Pages for the Municipal Code of the Town of Lynnville, Tennessee

BE IT ENACTED by the Board of Mayor and Aldermen of the Town of Lynnville, Tennessee, that:

<u>Section 1.</u> <u>Ordinances codified</u>. The supplemental and replacement pages contained in this "supplemental revision" to the Town of Lynnville Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the Town of Lynnville Municipal Code.

This supplement incorporates additional ordinances and revisions submitted by the Town of Lynnville. Code sections affected contain citations at the end of the code section.

<u>Section 2</u>. <u>Continuation of existing provisions</u>. Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

<u>Section 3.</u> <u>Penalty clause</u>. Unless otherwise specified, wherever in the supplement, including any 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 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 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 supplement or the municipal code or other applicable law.<sup>1</sup>

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

<u>Section 4</u>. <u>Severability clause</u>. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

<sup>1</sup>State law reference

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

1

<u>Section 5.</u> Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

<u>Section 6.</u> Code available for public use. A copy of the supplement shall be kept available in the office of the recorder for public use and inspection at all reasonable times.

<u>Section 7</u>. <u>Date of effect</u>. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Following a public hearing, this ordinance was passed unanimously on three readings, on this the <u>(a)</u> day of <u>(a)</u>, 2017, the public good and welfare demanding that its passage not be postponed.

WHEREUPON, the Mayor declared the Ordinance adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Date:

Mayor

Recorder

Approved as to form and legality this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2017.

Town Attorney

Ordinance No. 1606 Page 2

Mayor

2017 Date: une

er Classes Town Recorder

Date of first reading <u>June 6</u>, 2017

÷

Date of second reading \_\_\_\_

Date public hearing held

Date of third

ORD-1

# ORDINANCE NO.\_18/5

Ĺ

## AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF LYNNVILLE TENNESSEE.

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

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

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

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF LYNNVILLE, TENNESSEE, THAT:

<u>Section 1.</u> Ordinances codified. The ordinances of the town of a general continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Lynnville 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.

<u>Section 3.</u> 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 city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

ORD-2

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

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

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

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

<sup>1</sup>State law reference

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

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

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

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

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

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

NO March Passed 1st reading, 20<u>10</u>. 6 th April 20<u>10</u>. Passed 2nd reading, ym May 20<u>10</u>. Passed Brd reading, щor Mayor Recorder And the second second second second Are and a second Service and the service of the servi