

**THE  
MINOR HILL  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

April 1995

*Change 4*  
*October 2, 2018*

**CITY OF MINOR HILL, TENNESSEE**

**MAYOR**

Tracy Wilburn

**ALDERMEN**

Brandon Beard  
Scott Jarrell  
Clinton Tankersley  
Roger Thompson

**RECORDER**

Paige Birdsong



## PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

Steve Lobertini  
Legal Consultant

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

1. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)
  
2. Each ordinance, or a caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. GOVERNING BODY.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

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<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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

## CHAPTER 1

### GOVERNING BODY<sup>1</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation of aldermen.
- 1-105. Terms of officers.

**1-101. Time and place of regular meetings.** The governing body shall hold regular monthly meetings at 7:00 P.M. on the first Tuesday of each month at the city hall. (1969 Code, § 1-101, as amended by Ord. #1-105, July 1989)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.

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#### <sup>1</sup>Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

- City Administrator: § 6-4-101.
- Compensation: § 6-3-109.
- Duties of Mayor: § 6-3-106.
- Election of the board: § 6-3-101.
- Oath: § 6-3-105.
- Ordinance procedure
  - Publication: § 6-2-101.
  - Readings: § 6-2-102.
- Residence requirements: § 6-3-103.
- Vacancies in office: § 6-3-107.
- Vice-Mayor: § 6-3-107.

- (6) Reports from committees, members of the governing body and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1969 Code, § 1-102)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the 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. (1969 Code, § 1-103, modified)

**1-104. Compensation of aldermen.** The compensation of aldermen shall be established in the ordinance adopting the annual budget and capital program.<sup>1</sup> (Ord. #\_\_\_\_, June 1986, modified)

**1-105. Terms of officers.** The Mayor and Aldermen of the City of Minor Hill shall be elected on the first Thursday in August, 1971 for terms to expire on the first day of September, 1974. Beginning in the year 1974 and every two (2) years thereafter the Mayor and Aldermen of the City of Minor Hill shall be elected at the general election to be held in August, 1974 and every two (2) years thereafter for two-year terms that expire on the first day of September of the years when such elections are held. (Ord. #1-204, June 1971)

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<sup>1</sup>Charter reference  
Compensation: § 6-3-109.

## CHAPTER 2

### MAYOR<sup>1</sup>

#### SECTION

- 1-201. Generally supervises municipality's affairs.
- 1-202. Executes municipality's contracts.
- 1-203. Compensation.

**1-201. Generally supervises municipality's affairs.** The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities.<sup>2</sup> The mayor shall also serve and be designated as city judge and all references thereto shall apply. (1969 Code, § 1-201, as amended by Ord. #1-201A, June 1975)

**1-202. Executes municipalities contracts.** The mayor shall execute all contracts authorized by the governing body. (1969 Code, § 1-202)

**1-203. Compensation.** (1) The compensation of the mayor shall be established in the ordinance adopting the annual budget and capital program.  
 (2) The compensation of the mayor may not be diminished during the mayor's term of office.<sup>3</sup> (Ord. #\_\_\_\_, June 1986, modified)

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<sup>1</sup>Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

<sup>2</sup>Charter reference

Duties of Mayor: § 6-3-106.

<sup>3</sup>Charter reference

Compensation: § 6-3-109.

**CHAPTER 3****RECORDER<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. To be bonded.** The recorder shall be bonded in the sum of five thousand dollars (\$5,000.00), with surety acceptable to the governing body, before assuming the duties of his office. (1969 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1969 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the governing body and for the municipality which are not expressly assigned by the charter or this code to another officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1969 Code, § 1-303)

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<sup>1</sup>Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1)(C).

## CHAPTER 4

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

#### 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 matter.
- 1-405. Acceptance of gratuities.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the City of Minor Hill. 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 City of Minor Hill. The words

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

Campaign finance - Tennessee Code Annotated, title 2, chapter 10.

Conflict of interests - Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements - Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials - Tennessee Code Annotated, §§ 2-10-122, 124.

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

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

Ouster law - Tennessee Code Annotated, § 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in the appendix of the municipal code.

"municipal" and "city" or "City of Minor Hill" include these separate entities. (as added by Ord. #1-401, March 2007)

**1-402. Definition of "personal interest."** (1) For purposes of §§ 4-103--4-104, "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. (as added by Ord. #1-401, March 2007)

**1-403. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (as added by Ord. #1-401, March 2007)

**1-404. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #1-401, March 2007)

**1-405. Acceptance of gratuities.** 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 City of Minor Hill:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #1-401, March 2007)

**1-406. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity of the City of Minor Hill 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<sup>1</sup> official capacity of the City of Minor Hill or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #1-401, March 2007)

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

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of commissioners to be in the best interests of the City of Minor Hill. (as added by Ord. #1-401, March 2007)

**1-408. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, or cash or otherwise, in the name of the City of Minor Hill.

(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 City of Minor Hill. (as added by Ord. #1-401, March 2007)

**1-409. Outside employment.** A full-time employee of the City of Minor Hill may not accept any outside employment without written authorization from the department head. (as added by Ord. #1-401, March 2007)

**1-410. Ethics complaints.** (1) The City of Minor Hill attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the City of Minor

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

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

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

(b) The City of Minor Hill 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 City of Minor Hill'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 City of Minor Hill 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. (as added by Ord. #1-401, March 2007)

**1-411. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the 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. (as added by Ord. #1-401, March 2007)

**TITLE 2****BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. RECREATION ADVISORY BOARD.****CHAPTER 1****RECREATION ADVISORY BOARD****SECTION**

2-101. Creation.

2-102. Organization.

2-103. Authority of board.

2-104. Compensation of members.

2-105. Receipts--donations--disposition.

2-106. Removal for cause.

**2-101. Creation.** Pursuant to Tennessee Code Annotated, § 11-24-103, there is hereby created a board, designated "The Minor Hill Recreation Advisory Board," which shall consist of nine citizen members to be appointed by the mayor, with approval of the board of aldermen. The terms of all members shall be for a period of four years. In addition one alderman to be selected by the board of aldermen shall be a voting member of the board. The appointed alderman shall serve at the will of the board of aldermen. Members of the Minor Hill Recreation Advisory Board are not required to be residents of the City of Minor Hill. (as added by Ord. #\_\_\_, March 2000)

**2-102. Organization.** The Minor Hill Recreation Advisory Board shall elect one of its number as chairman and one as secretary. Terms for these officers will be for one year. An officer may succeed himself. The Minor Hill Recreation Advisory Board shall meet when business is to be transacted on call by the chairman. Six members present shall constitute a quorum. (as added by Ord. #\_\_\_, March 2000)

**2-103. Authority of board.** The authority to operate and maintain parks shall be retained by the governing body, the Minor Hill Board of Mayor and Aldermen. The affairs of the Minor Hill Recreation Advisory Board shall be conducted in a manner determined by the Minor Hill Board of Mayor and Aldermen. The Minor Hill Recreation Advisory Board shall not be responsible for the supervision of staff, the hiring or dismissal of staff, the expenditure or public funds or the promulgation or the enforcement of rules and regulations governing parks and recreation facilities or programs. However, the Minor Hill

Recreation Advisory Board may advise the governing body, on any of these matters, and may act on behalf of the governing body, on a case by case basis as determined by the governing body. (as added by Ord. #\_\_, March 2000)

**2-104. Compensation of members.** The members of the Minor Hill Recreation Advisory Board will serve without pay. (as added by Ord. #\_\_, March 2000)

**2-105. Receipts--donations--dispositions.** Any expenditures over \$1000.00 shall come before the board of mayor and aldermen and be passed by a majority vote. Checks to be signed by the mayor and a park committee treasurer appointed by the park committee. A financial statement will be presented to the board quarterly. (as added by Ord. #2-105, March 2000, and replaced by Ord. #2-105, June 2000)

**2-106. Removal for cause.** Any member of the Minor Hill Recreation Board whose term is not expired may be removed from office by the Minor Hill Board of Mayor and Aldermen and a replacement may be named for the unexpired term upon three successive absences from regularly scheduled or specially called meetings of the advisory board by the member. (as added by Ord. #\_\_, March 2000)

**TITLE 3**  
**MUNICIPAL COURT<sup>1</sup>**

**CHAPTER**

1. COURT COSTS.
2. BONDS.

**CHAPTER 1****COURT COSTS****SECTION**

- 3-101. Fines and costs for violations of municipal ordinances.
- 3-102. Failure to appear.

**3-101. Fines and costs for violations of municipal ordinances.** The existing schedule of fines and costs for violations of municipal ordinances are as follows:

<u>OFFENSE</u>	<u>FINE</u>	<u>COST</u>	<u>TOTAL</u>
Speeding	\$25.00 plus \$1.00 per mile	\$100.00	\$125.00 plus mileage
Improper parking	\$25.00	\$100.00	\$125.00
Improper passing	\$25.00	\$100.00	\$125.00
Illegally dumping trash or garbage	\$25.00	\$100.00	\$125.00
Excessive noise	\$25.00	\$100.00	\$125.00
Off highway -- vehicles on public roads	\$25.00	\$100.00	\$125.00
Light law violation	\$25.00	\$100.00	\$125.00
Open container (beer)	\$15.00	\$100.00	\$115.00
Open container (whiskey)	\$25.00	\$100.00	\$125.00
Failure to yield	\$25.00	\$100.00	\$125.00
Following close	\$25.00	\$100.00	\$125.00
Failure to stop (stop sign)	\$25.00	\$100.00	\$125.00
Child restraint 16 and under	\$50.00	.00	\$ 50.00
Seat belt law 17 and above first offense	\$10.00	.00	\$ 10.00

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<sup>1</sup>Charter references  
City Judge--City Court: § 6-4-301.

Seat belt law 17 and above			
second offense	\$20.00	.00	\$ 20.00
Failure to appear	\$50.00	\$100.00	\$150.00
Other violations not listed	\$25.00	\$100.00	\$125.00

(Ord. #\_\_\_\_, April 1983, modified, as amended by Ord. #4, March 1995, and replaced by Ord. #3-101-A, Dec. 2006, and Ord. #3-101-A, Feb. 2017 *Ch4\_10-2-18*)

**3-102. Failure to appear.** (1) It is unlawful and a violation of the ordinances of the city for any person to knowingly fail to appear in Minor Hill municipal court as directed by lawful authority if the person:

(a) Has been lawfully issued a citation of the city commanding such person to appear before the municipal court.

(b) Has given a written promise to appear in the municipal court to a lawful officer upon the issuance of a traffic citation, unless such person elects to forfeit the prescribed cash bond or deposit accepted by the city or unless the citation is otherwise dismissed.

(2) Failure to appear before the municipal court is a separate offense and violation of ordinance from the offense or violation of ordinance for which the defendant failed to appear.

(3) Failure to appear is a civil offense punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the municipal code of ordinances. (as added by Ord. #3-102, Feb. 2017 *Ch4\_10-2-18*)

## CHAPTER 2

### BONDS

#### SECTION

3-201. Appearance bonds authorized.

**3-201. Appearance bonds authorized.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (Ord. #5, May 1972, modified)

**TITLE 4****MUNICIPAL PERSONNEL****CHAPTER**

1. PERSONNEL REGULATIONS.
2. INFECTIOUS DISEASE CONTROL POLICY.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. HAZARDOUS COMMUNICATIONS.

**CHAPTER 1****PERSONNEL REGULATIONS****SECTION**

- 4-101. Acceptance of gratuities.
- 4-102. Outside employment.
- 4-103. Political activity.
- 4-104. Use of municipal time, facilities, etc.
- 4-105. Use of position.

**4-101. Acceptance of gratuities.** No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1969 Code, § 1-901)

**4-102. Outside employment.** No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1969 Code, § 1-902)

**4-103. Political activity.** Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1969 Code, § 1-903, modified)

**4-104. Use of municipal time, facilities, etc.** No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1969 Code, § 1-904)

**4-105. Use of position.** No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1969 Code, § 1-905)

## CHAPTER 2

### INFECTIOUS DISEASE CONTROL POLICY

#### SECTION

- 4-201. Purpose.
- 4-202. Coverage.
- 4-203. Administration.
- 4-204. Definitions.
- 4-205. Policy statement.
- 4-206. General guidelines.
- 4-207. Hepatitis B vaccinations.
- 4-208. Reporting potential exposure.
- 4-209. Hepatitis B virus post-exposure management.
- 4-210. Human immunodeficiency virus post-exposure management.
- 4-211. Disability benefits.
- 4-212. Training regular employees.
- 4-213. Training high risk employees.
- 4-214. Training new employees.
- 4-215. Records and reports.
- 4-216. Legal rights of victims of communicable diseases.

**4-201. Purpose.** It is the responsibility of the City of Minor Hill to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Minor Hill, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #\_\_\_\_\_, June 1992)

**4-202. Coverage.** Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;

- (3) Housekeeping and laundry workers;
- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #\_\_\_\_\_, June 1992)

**4-203. Administration.** This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (Ord. #\_\_\_\_\_, June 1992)

**4-204. Definitions.** (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (Ord. #\_\_\_\_\_, June 1992)

**4-205. Policy statement.** All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #\_\_\_\_\_, June 1992)

**4-206. General guidelines.** General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container and properly dispose of the objects.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #\_\_\_\_\_, June 1992)

**4-207. Hepatitis B vaccinations.** The City of Minor Hill shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #\_\_\_\_\_, June 1992)

**4-208. Reporting potential exposure.** City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #\_\_\_\_\_, June 1992)

**4-209. Hepatitis B virus post-exposure management.** For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #\_\_\_\_\_, June 1992)

**4-210. Human immunodeficiency virus post-exposure management.** For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the

first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #\_\_\_\_\_, June 1992)

**4-211. Disability benefits.** Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303. (Ord. #\_\_\_\_\_, June 1992)

**4-212. Training regular employees.** On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #\_\_\_\_\_, June 1992)

**4-213. Training high risk employees.** In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (Ord. #\_\_\_\_\_, June 1992)

**4-214. Training new employees.** During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (Ord. #\_\_\_\_\_, June 1992)

**4-215. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #\_\_\_\_\_, June 1992)

**4-216. Legal rights of victims of communicable diseases.** Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and/or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (Ord. #\_\_\_\_\_, June 1992)

## CHAPTER 3

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

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

**4-301. Title.** This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of City of Minor Hill. (as added by Ord. #\_\_\_\_, April 2002, and replaced by Ord. #4-301, Feb. 2013)

**4-302. Purpose.** The city council in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (as added by Ord. #\_\_\_\_\_, April 2002, and replaced by Ord. #4-301, Feb. 2013)

**4-303. Coverage.** The provisions of the occupational safety and health program plan for the employees of the City of Minor Hill shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (as added by Ord. #\_\_\_\_\_, April 2002, and replaced by Ord. #4-301, Feb. 2013)

**4-304. Standards authorized.** The occupational safety and health standards adopted by the City of Minor Hill are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (as added by Ord. #\_\_\_\_\_, April 2002, and replaced by Ord. #4-301, Feb. 2013)

**4-305. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (as added by Ord. #4-301, Feb. 2013)

**4-306. Administration.** For the purposes of this chapter, Tracy Wilburn, Mayor is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR,

CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #4-301, Feb. 2013)

**4-307. Funding the program plan.** Sufficient funds for administration and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Minor Hill. (as added by Ord. #4-301, Feb. 2013)

## CHAPTER 4

### HAZARDOUS COMMUNICATIONS

#### SECTION

- 4-401. Standards established.
- 4-402. Goals.
- 4-403. Hazardous information.
- 4-404. Employee requirements.
- 4-405. Objectives.

**4-401. Standards established.** This chapter shall establish a standard based on a simple concept that employees have both a need and a right to know the hazards and the identities of the chemicals they are exposed to when working. (as added by Ord. #4-401, May 2012)

**4-402. Goals.** The goal of these regulations is to provide you with what you need to work safely with hazardous chemicals: information, training, equipment. (as added by Ord. #4-401, May 2012)

**4-403. Hazardous information.** If a chemical is judged to be hazardous, hazard information must be supplied to: distributors, shippers, customers. (as added by Ord. #4-401, May 2012)

**4-404. Employee requirements.** What you, as an employee, need to do is:

- (1) Read container labels;
- (2) Read material safety data sheets;
- (3) Wear appropriate PPE; and
- (4) Follow safe work practices. (as added by Ord. #4-401, May 2012)

**4-405. Objectives.** The objective of this law is to transmit information concerning the nature of chemical hazards that employees may be exposed to in their work environment and what measures they can take to protect themselves. (as added by Ord. #4-401, May 2012)

**TITLE 5****MUNICIPAL FINANCE AND TAXATION**<sup>1</sup>**CHAPTER**

1. MISCELLANEOUS.
2. WHOLESALE BEER TAX.
3. PURCHASE PROCEDURES.
4. DEBT POLICY.

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

- 5-101. Official depository for city funds.
- 5-102. Fiscal year.
- 5-103. Check signatures.

**5-101. Official depository for city funds.** The First National Bank of Minor Hill, Tennessee, is hereby designated as the official depository for all city funds. (1969 Code, § 6-101, as amended by Ord. #6-101-1, Oct. 1991)

**5-102. Fiscal year.** The fiscal year for maintaining the municipality's financial records shall commence on July 1 each year and expire on June 30 of the following year. (1969 Code, § 6-102)

**5-103. Check signatures.** Bank checks drawn against the city accounts require the signature of the mayor and the city treasurer. (1969 Code, § 6-103)

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<sup>1</sup>Charter references

For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, § 6-4-402.

**CHAPTER 2****WHOLESALE BEER TAX****SECTION**

5-201. To be collected.

**5-201. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1969 Code, § 6-201, modified)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

**CHAPTER 3****PURCHASE PROCEDURES****SECTION**

5-301. Purchases in excess of \$5,000.

**5-301. Purchases in excess of \$5,000.** All purchases made in excess of \$5,000 shall be made in accordance with the advertisement and competitive bidding requirements of the Municipal Purchasing Act of 1983 and any subsequent amendments. (Ord. #6-301, Oct. 1991, as amended by Ord. #1-501, Sept. 1996)

## CHAPTER 4

### DEBT POLICY<sup>1</sup>

#### SECTION

- 5-401. Definition of debt.
- 5-402. Approval of debt.
- 5-403. Transparency.
- 5-404. Role of debt.
- 5-405. Types and limits of debt.
- 5-406. Use of variable rate debt.
- 5-407. Use of derivatives.
- 5-408. Costs of debt.
- 5-409. Refinancing outstanding debt.
- 5-410. Professional services.
- 5-411. Conflicts.
- 5-412. Review of policy.
- 5-413. Compliance.

**5-401. Definition of debt.** All obligations of the city to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of city resources. This includes but is not limited to notes, bonds, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (as added by Ord. #5-108, Dec. 2011)

**5-402. Approval of debt.** Pursuant to state law, bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the city's board of mayor and aldermen prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the board of mayor and aldermen; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (as added by Ord. #5-108, Dec. 2011)

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<sup>1</sup>State law references

Tennessee Code Annotated, 7, part 9: Contracts, Leases and Lease Purchase Agreements.

Tennessee Code Annotated, 9, part 21: Local Government Public Obligations Law.

**5-403. Transparency.** (1) The city shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required local newspaper, bulletin boards, and website.

(3) All costs (including principal, interest, issuance, continuing, and one (1) time) shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled board meeting.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled board meeting.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled board meeting. (as added by Ord. #5-108, Dec. 2011)

**5-404. Role of debt.** Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the city will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

In accordance with generally accepted accounting principles and state law:

(1) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

(2) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (as added by Ord. #5-108, Dec. 2011)

**5-405. Types and limits of debt.** (1) A city property tax must be in place before debt may be issued that:

(a) Matures in more than twelve (12) fiscal years from the fiscal year of issuance, inclusive of renewals and extensions; or

(b) Causes the aggregate amount of debt outstanding (including the proposed debt) to exceed one million dollars (\$1,000,000.00).

(2) In the occurrence of a catastrophic event (i.e., tornado, earthquake, flood, or other natural disaster) the borrowing limit shall not be in effect for this type of event.

(3) The city will seek to limit total outstanding debt obligations to twenty five percent (25%) of the assessed value of the city, excluding overlapping debt, enterprise debt, and revenue debt as determined by the annual audit.

(4) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(5) The city's total outstanding debt obligation will be monitored and reported to the board of mayor and aldermen on an annual basis during the budget approval process by the city recorder. The city recorder shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The city recorder shall also report to the board of mayor and aldermen any matter that adversely affects the credit or financial integrity of the city.

(6) The city has issued capital outlay notes in the past and is authorized to issue general obligation bonds, revenue bonds, tax increment financing, loans, notes and other debt allowed by law, as it determines most appropriate.

(7) The city will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(8) As a rule, the city will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the city may utilize non-level debt methods. However, the use of such methods will be thoroughly discussed in a public meeting and will be approved only if the mayor and board of aldermen determine such use is justified and in the best interest of the city.

(9) The city may use capital leases to finance short-term projects of five (5) years or less. (as added by Ord. #5-108, Dec. 2011)

**5-406. Use of variable rate debt.** (1) The city recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the city also recognizes there are inherent risks associated with the use of variable rate debt and chooses not to use variable rate debt.

(3) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of use of such rates must be submitted to the board of mayor and aldermen; and

(b) The board of mayor and aldermen must adopt a specific amendment to this policy concerning the use of variable interest rates. (as added by Ord. #5-108, Dec. 2011)

**5-407. Use of derivatives.** (1) The city chooses not to use derivative or other exotic financial structures in the management of the city's debt portfolio.

(2) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the board of mayor and aldermen; and

(b) The board of mayor and aldermen must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (as added by Ord. #5-108, Dec. 2011)

**5-408. Costs of debt.** (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the board of mayor and aldermen in accordance with the notice requirements stated above.

(2) In case of non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded, i.e. general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes.

(4) The city recorder will file necessary disclosure documents, including disclosure of costs to the comptroller's office as required by law. (as added by Ord. #5-108, Dec. 2011)

**5-409. Refinancing outstanding debt.** The city will refund debt when it is in the best financial interest of the city to do so, and the city recorder shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the board of mayor and aldermen, and all plans for current or advance refunding or debt must be in compliance with state laws and regulations.

The city recorder will consider the following issues when analyzing possible refunding opportunities:

(1) Onerous restrictions - Elimination of onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(2) Economic purposes - Restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the city recorder if the refunding generates positive present value savings, and the city recorder must establish a minimum present value savings threshold for any refinancing

(3) Term - Maintenance of the term of the originally issued debt; consideration of maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The city recorder may

also consider shortening the term of the originally issued debt to realize greater savings. (as added by Ord. #5-108, Dec. 2011)

**5-410. Professional services.** The city shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the city and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(1) Counsel: If the city chooses to hire an attorney other than the city attorney, it shall enter into an engagement letter agreement with each lawyer or law firm representing the city in a debt transaction.

(2) Financial advisor: If the city chooses to hire financial advisors, the city shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions. Whether in a competitive or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance.

(3) Underwriter: If there is an underwriter, the city shall require the underwriter to clearly identify itself in writing (e.g., in a response to a request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the city with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the city. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the city recorder in advance of the pricing of the debt. (as added by Ord. #5-108, Dec. 2011)

**5-411. Conflicts.** Professionals involved in a debt transaction hired or compensated by the city shall be required to disclose to the city existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, bond counsel, trustee, paying agent, liquidity or credit enhancement provider, and underwriter), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the city to appreciate the significance of the relationships.

Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (as added by Ord. #5-108, Dec. 2011)

**5-412. Review of policy.** This policy shall be reviewed annually by the board of mayor and aldermen with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with the opportunity for public input. (as added by Ord. #5-108, Dec. 2011)

**5-413. Compliance.** The city recorder is responsible for ensuring substantial compliance with this policy. (as added by Ord. #5-108, Dec. 2011)

**TITLE 6****LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST****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. Policemen subject to chief's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1969 Code, § 1-401)

**6-102. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1969 Code, § 1-402)

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1969 Code, § 1-403)

**6-104. When policemen to make arrests.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1969 Code, § 1-404)

**6-105. Policemen may require assistance in making arrests.** It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1969 Code, § 1-405)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the require bond, he shall be confined. (1969 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1969 Code, § 1-407)

**TITLE 7****FIRE PROTECTION AND FIREWORKS****CHAPTER**

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

**CHAPTER 1****FIRE DISTRICT****SECTION**

7-101. Fire limits described.

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

Beginning at a point in the centerline of Cow Street one hundred feet (100') west of the westerly right-of-way line of State Highway 11, thence southerly along a line one hundred feet (100') west of and parallel to the westerly right-of-way line of State Highway 11 two hundred feet (200') to a point, thence due east approximately three hundred feet (300') to a point one hundred feet (100') east of the nearest point in the easterly right-of-way line of State Highway 11, thence northerly three hundred feet (300') along a line parallel to and one hundred feet (100') east of the easterly right-of-way line of State Highway 11 to a point, thence west approximately three hundred feet (300') to a point one hundred feet (100') west of the nearest point in the westerly right-of-way line of State Highway 11, thence southerly along a line one hundred feet (100') west of and parallel to the westerly right-of-way line of State Highway 11 to the point of beginning. (Ord. #71-1, Feb. 1970)

## CHAPTER 2

### FIRE CODE

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,<sup>1</sup> 1994 edition, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #71-1, Feb. 1970, modified)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (Ord. #71-1, Feb. 1970)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Minor Hill, Tennessee. (Ord. #71-1, Feb. 1970)

**7-204. Storage of explosives, flammable liquids, etc.** The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is

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<sup>1</sup>Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

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

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire limits as set out in § 7-101 of this code. (Ord. #71-1, Feb. 1970)

**7-205. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (Ord. #71-1, Feb. 1970)

**7-206. Variances.** The chief of the fire department may recommend to the governing body variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the governing body. (Ord. #71-1, Feb. 1970)

**7-207. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder, or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (Ord. #71-1, Feb. 1970)

## CHAPTER 3

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

#### SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (Ord. #71-1, Feb. 1970)

**7-302. Objectives.** The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (Ord. #71-1, Feb. 1970)

**7-303. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (Ord. #71-1, Feb. 1970)

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

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<sup>1</sup>Municipal code reference

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

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (Ord. #71-1, Feb. 1970)

**7-305. Tenure and compensation of members.** The chief shall have the authority to suspend any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor. However, only the board of mayor and aldermen shall dismiss either the fire chief or subordinate officers and firemen. (1969 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the governing body.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (Ord. #71-1, Feb. 1970)

**7-307. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (Ord. #71-1, Feb. 1970)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Fire calls outside city limits.

**7-401. Fire calls outside city limits.** The fire department is authorized to answer calls beyond the corporate limits for a three (3) year period beginning September 1, 1986 provided the calling party has entered into a contract with the fire department. Such Contract will terminate on August 31, 1989.

The fire committee is hereby authorized to promulgate the conditions of a contract for this purpose that will provide for an annual fee of \$50.00 and a charge of \$250.00 for each response to a fire call.

The board of mayor and aldermen shall approve the terms of the master contract by resolution and the chief engineer or his deputy shall execute the same for the fire department after it is signed by the owner.

Industries not located within the corporate limits must contract with the fire department for fire protection. Giles County Government must likewise contract with the city for the protection of its buildings and property.

The fire department may answer calls to fires so close to the corporate limits as to constitute a threat to the property within the city limits.

The fire department is not authorized to answer calls to property within the corporate limits of any town or city in Giles County unless the mayor or any alderman thereof calls for help in life or death situation.

If the Giles County Rescue Squad calls for aid in a life or death situation the fire department is hereby authorized to answer the call.

The fire department is not authorized to answer calls for any vehicle outside its corporate limits except school buses, buses hauling passengers for hire and vehicles hauling toxic chemicals. Those owners will be billed \$250.00 per call.

The senior fire official on duty shall, upon the receipt of a request for assistance, use his best and good faith judgement as to what action to take under the circumstances as relayed to him by the person calling. (Ord. #71-1, June 1986)

**TITLE 8****ALCOHOLIC BEVERAGES<sup>1</sup>****CHAPTER**

1. BEER.
2. INTOXICATING LIQUORS.

**CHAPTER 1****BEER<sup>2</sup>****SECTION**

- 8-101. Beer business lawful.
- 8-102. Beer board established.
- 8-103. Meetings of the beer board.
- 8-104. Record of beer board proceedings to be kept.
- 8-105. Requirements for beer board quorum and action.
- 8-106. Powers and duties of the beer board.
- 8-107. "Beer" defined.
- 8-108. Permit required for engaging in beer business.
- 8-109. Restrictions upon granting permits.
- 8-110. Application for retail permit; requirements as to applicants; regulations to be followed and shown in the application.
- 8-111. Beer permits shall be restrictive.
- 8-112. Permits not transferable; limitation of permits at one location.
- 8-113. Duration of permit.
- 8-114. Display of permit.
- 8-115. Privilege tax.
- 8-116. Interference with public health, safety, and morals prohibited.
- 8-117. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-118. Issuance of permits to hotels, clubs, etc.
- 8-119. Retail premises; restrictions, frontage, curtains, blinds, etc., exceptions.
- 8-120. Sanitation for premises covered by on premises permit.
- 8-121. Minor, fraudulent evidence of age, etc., misdemeanor.

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<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

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

- 8-122. Investigation of applicant, agent and/or employees.
- 8-123. Prohibited conduct or activities by beer permit holders.
- 8-124. Suspension and revocation of beer permits.
- 8-125. Limitations on number of permits: retail off premises restrictions.
- 8-126. On premises restrictions.
- 8-127. Penalty for violations.
- 8-128. Employees liable for violations.
- 8-129. Telephones.

**8-101. Beer business lawful.** It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of Minor Hill, subject to all of the regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or board. (Ord. #\_\_\_\_, Oct. 1993)

**8-102. Beer board established.** There is hereby established a beer board to be composed of the board of mayor and aldermen of the City of Minor Hill, and these shall constitute the governing body of the beer board. A chairperson shall be elected annually by the board from among its members. All members of the board shall serve without compensation. (Ord. #\_\_\_\_, Oct. 1993, as replaced by Ord. #8-102-103, Aug. 2011)

**8-103. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings following each regular meeting of the city council at the city hall whenever there is business to come before the beer board. A special meeting of the beer board may be called by its chairperson provided he or she gives a reasonable notice thereof and the board may adjourn a meeting at any time to another time and place. (Ord. #\_\_\_\_, Oct. 1993, as replaced by Ord. #8-102-103, Aug. 2011)

**8-104. Record of beer board proceedings to be kept.** The city clerk shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: 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. The city clerk shall also maintain an up-to-date list of all beer permit holders. (Ord. #\_\_\_\_, Oct. 1993)

**8-105. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be

required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #\_\_\_\_, Oct. 1993)

**8-106. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the municipality in accordance with the provisions of this chapter. (Ord. #\_\_\_\_, Oct. 1993)

**8-107. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #\_\_\_\_, Oct. 1993)

**8-108. Permit required for engaging in beer business.** No person shall engage in the storing, selling, distributing or manufacturing of beer of alcoholic content of not more than five per cent (5%) by weight, or other beverages of like alcoholic content within the corporate limits of the City of Minor Hill, until he shall receive a permit to do so from the Beer Board of the City of Minor Hill, which permit shall at all times be subject to all the limitations and restrictions herein provided. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A. § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Minor Hill. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #\_\_\_\_, Oct. 1993)

**8-109. Restrictions upon granting permits.** No permit shall be issued to sell any beverage coming within the provisions of this section:

- (1) In violation of any provisions of the state law.
- (2) In violation of any rules or regulations adopted or promulgated by agencies thereof including, but not limited to, the Tennessee Alcoholic Beverage Commission.
- (3) In violation of any applicable ordinance of the City of Minor Hill including, but not limited to, the zoning ordinances. The judgment of the beer board on such matters shall be final, except as same is subject to review at law under the Tennessee Code Annotated. (Ord. #\_\_\_\_, Oct. 1993)

**8-110. Application for retail permit; requirements as to applicants; regulations to be followed and shown in the application.**

(1) That the applicant is a citizen of the United States, or if a syndicate or association, that all the members thereof are citizens of the United States.

(2) Applicant will immediately report to the board in writing any material or substantial changes with respect to information furnished on the application. Willful failure to report such changes shall constitute a violation and shall be grounds for action by the board under § 8-124.

(3) The location of the premises at which the business is to be operated and the said place of business is not within 400 feet for packaged beer and 2,000 feet for taverns of any school, church or other place of public gathering nor will said location cause congestion of traffic.

(4) The owner or owners of such premises.

(5) The names and addresses of all other persons or firms who have any financial interests whatsoever in the beer business proposed to be established.

(6) That applicant will operate the business in person or by agent, but that applicant will devote a minimum average of 40 hours per week on the premises to the supervision and operation of said proposed business.

(7) That no person will be employed in the storage, sale or manufacture of such beverages except those who are citizens of the United States.

(8) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued permit or permits, to such applicant.

(9) That no sale of such beverages will be made except in accordance with the permit granted.

(10) That if the application is for a permit to sell, not for consumption on the premises, that no sale will be made for consumption on the premises; that no consumption will be allowed on the premises thereof.

(11) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons to loiter around the place of business.

(12) The applicant will be responsible for any gambling on his premises and his permit subject to revocation by reason of the same.

(13) The applicant will not allow any liquor with alcoholic content greater than five percent (5%) to be consumed on his premises.

(14) That the applicant must secure a certificate or a statement from the health department or health officer that the premises which the application covers meet the requirements of this title.

(15) The application shall be submitted to the city clerk at least fifteen (15) days prior to the beer board meeting at which it is to be considered. The city clerk shall, within five (5) days after receipt of an application, notify each member of the beer board of such an application.

(16) The application must be accompanied by a certificate, signed by the mayor or city clerk, attesting to the good moral character of the applicant or any agent operator.

(17) No permit shall be issued by the beer board until the application therefor shall have been subscribed to and approved in writing by the city attorney. However, the city attorney is only authorized to disapprove applicants when there is a failure to comply with a city ordinance or state law governing the issuance of permits.

(18) If applicant is no longer actively engaged in the business for which the permit is issued, applicant agrees to surrender the permit to the board or to the city clerk immediately; applicant understands and acknowledges that his/her failure to do so will subject him/her to liability for a penalty of twenty-five dollars (\$25.00) per day for each day the business is operated under his/her license after he/she is no longer actively engaged in the business. A permit holder not devoting a minimum average of forty (40) hours per week on the premises supervising the operation of the business shall be deemed by the board to be no longer actively engaged in the business.

(19) All tavern or beer establishments shall have a working phone installed in the place of business. (Cell phones are not acceptable.) (Ord. #\_\_\_\_, Oct. 1993, as amended by Ord. #\_\_\_\_, June 1999, and Ord. #\_\_\_\_, April 2002)

**8-111. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. No one individual may hold more than one type of license at any time. A single permit may be issued for on premises and off premises consumption. (Ord. #\_\_\_\_, Oct. 1993)

**8-112. Permits not transferable; limitation of permits at one location.** Beer permits are not transferable, saleable or assignable from one person or entity to another or from one location to another. No more than three permits may be issued within a single calendar year at the same location. (Ord. #\_\_\_\_, Oct. 1993)

**8-113. Duration of permit.** Permits issued pursuant to the provisions of this chapter shall be issued for an indefinite period of time. Operations may be reviewed by the beer board from time to time and at least on an annual basis. (Ord. #\_\_\_\_, Oct. 1993)

**8-114. Display of permit.** The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together

with all other permits, licenses, and stamps as required by law. (Ord. #\_\_\_\_, Oct. 1993)

**8-115. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax January 1, 1994, and each successive January 1, to the City of Minor Hill, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #\_\_\_\_, Oct. 1993)

**8-116. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health safety and morals. In no event will a permit be issued authorizing storage, sale or manufacture of beer at places within 400 feet for packaged beer and 2000 feet for a tavern, of any school, church or other place of public gathering, pursuant to Tennessee Code Annotated. § 57-5-105. The distance shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the hospital, school, church or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1, 1999, unless beer is not sold, distributed or manufactured at that location during any continuous six month period after January 1, 1999. (Ord. #\_\_\_\_, Oct. 1993, as replaced by Ord. #\_\_, June 1999)

**8-117. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (Ord. #\_\_\_\_, Oct. 1993)

**8-118. Issuance of permits to hotels, clubs, etc.** It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provision of this chapter, to hotels, motels, clubs, or lodges, subject to the limitations and restrictions contained in the state law, and the rules and

regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter. (Ord. #\_\_\_\_, Oct. 1993)

**8-119. Retail premises; restrictions, frontage, curtains, blinds, etc., exceptions.** No permit to sell at retail coming within the provisions of this chapter, shall be issued for the operation of any place except one with enough of the front enclosed in glass of such design that the interior can be easily seen from the sidewalk or street in front of such place. No curtains, drapes, shades, blinds, screens or other things shall be used in the front of any place that hinders a clear and unobstructed view of the interior of such place from the sidewalk or street in front of such place. All places shall be adequately lighted. (Ord. #\_\_\_\_, Oct. 1993)

**8-120. Sanitation for premises covered by on premises permit.** Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition. (Ord. #\_\_\_\_, Oct. 1993)

**8-121. Minor, fraudulent evidence of age, etc., misdemeanor.** It shall be unlawful for any minor to purchase, attempt to purchase or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a minor. It shall be unlawful for any minor to present or offer to permit, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any minor who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00); if seventeen (17) years of age, or less, he shall be taken before the juvenile judge for appropriate disposition. (Ord. #\_\_\_\_, Oct. 1993)

**8-122. Investigation of applicant, agent and/or employees.** Applicants for a retail permit under this section are subject to be investigated by municipal, county and state authorities, and any agent of said applicant, or his employees must register with the Police Department of the City of Minor Hill prior to beginning work, submit such information and records as the beer board may require and secure a permit from said police department. In addition, all employees of retail beer permit holders must have an up-to-date health card before accepting employment as required by State Public Health Department for Food Handlers. (Ord. #\_\_\_\_, Oct. 1993)

**8-123. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years.

(2) Employ any minor under eighteen (18) years of age in the sale, service or dispensing of beer at retail.

(3) Make or allow any sale of beer between the hours of 12:00 midnight and 6:00 A.M. on Monday through Friday mornings; between 1:00 A.M. and 6:00 A.M. on Saturday and Sunday mornings; from 10:00 A.M. to 12:00 P.M. on Sunday, except sales for packaged beer only and not for on premises consumption. During daylight saving time taverns will be allowed to remain open and sales allowed until 12:00 midnight on Sundays. For the remaining part of the year, no sales will be allowed after 9:00 P.M. on Sundays. No person or persons shall be allowed on the premises (defined as the building and immediate parking area surrounding same) for a period to continue more than thirty (30) minutes after the required closing times except the beer permit holder and one (1) designated employee whose name has been furnished in advance and in writing to the city clerk or a police commissioner.

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

(5) Make or allow any sale of beer to a person under the minimum age allowed by Tennessee law to purchase beer; or to allow any such person to loiter in or about the place of business.

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

(7) Allow drunk or disreputable persons, or persons of questionable character to loiter about his premises.

(8) Serve, sell or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five (5%) percent by weight.

(9) Fail to provide and maintain separate sanitary toilet for men and women.

(10) Fail to allow Minor Hill City Police or any other law enforcement officer, or beer board member, to enter and check any business at any time where establishment has municipal beer license. Failure to permit same shall constitute cancellation of beer license by beer board after appropriate hearing.

(11) It shall be unlawful for any person to transport from any point within or without this state to another point within this state, any beer and/or other beverages on which the tax imposed has not been paid to the City of Minor Hill.

(12) Allow pool and billiard playing or video games in the same room where beer is sold and/or consumed. Beer may be sold in a pool room or game room only if a partition or wall separates the place of sale from the pool or game room. The hours of closing for pool rooms or video game rooms shall be 9 P.M. on Sunday (12 midnight during daylight saving time), 12 midnight on Monday,

Tuesday, Wednesday and Thursday nights of each week and 1 A.M. on Saturday and Sunday mornings of each week. (Ord. #\_\_\_\_, Oct. 1993, modified, as replaced by Ord. #8-123, Sept. 2011)

**8-124. Suspension and revocation of beer permits.** All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the State Beer Act or any of the provisions of this chapter. Suspension or revocation proceedings may be initiated by the police or by any member of the beer board and the board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked.

Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated the provisions of the State Beer Act or any of the provisions of this chapter, the board is authorized to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department. This notice shall be served upon the permittee at least five (5) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After said hearing, if the board determines that the charges have been sustained, said board shall suspend the permit as follows:

For a first offense the minimum period of three consecutive calendar days.

For a second offense occurring within 90 days of the prior offense the minimum suspension shall be a period of 15 calendar days.

For a third offense occurring within 180 days of the second offense as described in the preceding paragraph the minimum suspension period shall be 30 consecutive calendar days.

The board may, in its discretion suspend for any of these offenses for a substantially longer period of time. In addition, the board may revoke the permit.

The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500.00 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000.00 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.

The action of the beer board in said hearings shall be final, subject to review by the court as provided in the State Beer Act. When the permit is revoked, no new permit may be issued hereunder for the sale of beer at the same location until the expiration of one (1) year from the date the revocation became final. (Ord. #\_\_\_\_, Oct. 1993)

**8-125. Limitations on number of permits: retail off premises restrictions.** (1) At no time shall the number of beer permits issued by the beer board and outstanding in the City of Minor Hill for off premises consumption exceed two (2).

(2) "Package beer" is defined as beer (defined § 8-107) sold for off premises consumption.

(3) Permits for the off premises sale of beer shall be issued according to the following classes and limitations:

(a) Off premises where beer is sold at a grocery (food store). Grocery shall mean a business establishment whose primary business is the retail sale of food merchandise and household items. Beer shall not be sold for consumption on the premises of grocery stores.

(b) Off premises where beer is sold at a prepared food business. This shall mean an establishment whose business is the sale of prepared food to be consumed off the premises as defined by this section. (Ord. #\_\_\_\_, Oct. 1993)

**8-126. On premises restrictions.** At no time shall the number of beer permits issued by the beer board and outstanding in the City of Minor Hill for taverns exceed six (6).

(1) In cases of waiting lists, applicants for already established businesses will hold priority over unestablished businesses.

(2) In the event of the death of a beer permit holder, his successors shall have first option on the available license. (Ord. #\_\_\_\_, Oct. 1993)

**8-127. Penalty for violations.** Each day's violation of each or any provisions of this chapter by any permit holder, or each sale made in violation of any provisions of this chapter shall constitute a separate misdemeanor which shall be punishable by a fine of not less than one dollar (1.00) or more than one thousand and five hundred dollars (\$1,500.00) or by suspension or revocation of the permit issued hereunder, or by such fine or suspension or revocation. (Ord. #\_\_\_\_, Oct. 1993)

**8-128. Employees liable for violations.** Any employee of any permittee who violates the provisions of this chapter or any provision of the State Beer Act while so employed by such permittee shall be guilty of a misdemeanor which shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). (Ord. #\_\_\_\_, Oct. 1993)

**8-129. Telephone.** All beer taverns are required to have a phone installed. This is to be an installed phone, not a cell phone. (as added by Ord. #8-819, April 2002)

## CHAPTER 2

### INTOXICATING LIQUORS

#### SECTION

- 8-201. Alcoholic beverages subject to regulation.
- 8-202. Application for retail liquor store certificate.
- 8-203. Full and accurate disclosure, verification of application.
- 8-204. Residency requirement.
- 8-205. Applicant to agree to comply with laws.
- 8-206. Action on application, applicant to appear.
- 8-207. Requisites for certificate of approval.
- 8-208. Certificate expiration.
- 8-209. Certificate renewal.
- 8-210. State license required for liquor store sales.
- 8-211. Conveyance of ownership prohibited, relocation of store.
- 8-212. Restrictions on licenses.
- 8-213. Only one establishment to be operated by retailer.
- 8-214. Retail stores to be on ground floor, entrances, building limitations.
- 8-215. Sales for consumption on premises.
- 8-216. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-217. Liquor store inspection fee.
- 8-218. Privilege tax on retail sale of alcoholic beverages for on premises consumption.
- 8-219. Revocation procedures.
- 8-220. General penalty, continuing violations.

**8-201. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57, and by rules and regulations promulgated thereunder, and as provided in this chapter. (as added by Ord. #8-200, Jan. 2017)

**8-202. Application for retail liquor store certificate.** For the retail sale of alcoholic beverages at a liquor store, a Tennessee Alcoholic Beverage Commission retail license is required. As a condition precedent to the issuance of a retail license by the Tennessee Alcoholic Beverage Commission, an applicant for a license is required to obtain a certificate of compliance from the city, to be filed with the state application, as provided in Tennessee Code Annotated, § 57-3-208. The application for a certificate of compliance shall be submitted by the applicant to the city recorder, on forms prescribed and furnished by the city, including the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years of residence in Giles County.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (5) If employed, the name and address of employer.
- (6) If in business, the kind of business and location thereof.
- (7) The address of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the property for which the certificate is sought, which shall be accompanied by evidence that the owner has agreed to allow the proposed retail store to be operated on the property upon issuance of a license.
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.
- (10) Further documentation. The application shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with the same application and shall be accompanied by one (1) copy of a scale plan drawn to scale of not less than one inch equals twenty feet (1" = 20') giving the following information:
  - (a) The shape, size and location of the lot which the liquor store is to be operated under the license,
  - (b) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot,
  - (c) The off-street parking space and off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street.
- (11) Fee. A two hundred fifty dollars (\$250.00) non-refundable application fee shall be paid at time of initial application or renewal. Said fee shall be in the form of a cashier's check made payable to the City of Minor Hill. (as added by Ord. #8-200, Jan. 2017)

**8-203. Full and accurate disclosure, verification of application.**

- (1) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a certificate, shall be a violation of this chapter. The city may refuse to issue a certificate if, upon investigation, the city finds that the applicant for a certificate has concealed or misrepresented in writing or otherwise any material fact or circumstance concerning the operation of the business, or if the interest of the applicant in the operation of

the business is not truly stated in the application, or in case of any fraud or false swearing by the applicant touching any matter relating to the operation of the business. All data, written statements, affidavits, evidence or other documents submitted in support of an application are a part of the application.

(2) If the provisions of this section are alleged to have been violated, the board of mayor and aldermen may by majority vote revoke any certificate which has been issued, after first providing an opportunity for the applicant or certificate-holder to refute such allegations and to show cause why the certificate should not be revoked.

(3) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (as added by Ord. #8-200, Jan. 2017)

**8-204. Residency requirement.** Permit holder must be a bonafide resident of the State of Tennessee. (as added by Ord. #8-200, Jan. 2017, and replaced by Ord. #8-200, Jan. 2018 *Ch4\_10-2-18*)

**8-205. Applicant to agree to comply with laws.** The applicant for a certificate of compliance shall agree in writing to comply with state laws, federal laws, ordinances of the city, and rules and regulations of the Tennessee Alcoholic Beverage Commission, regarding the sale of alcoholic beverages. (as added by Ord. #8-200, Jan. 2017)

**8-206. Action on application. applicant to appear.** (1) Every application for a certificate of compliance shall be referred by the city recorder to the chief of police for investigation who shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed.

(2) An applicant for a certificate may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board prior to issuance. (as added by Ord. #8-200, Jan. 2017)

**8-207. Requisites for certificate approval.** A certificate of compliance shall be granted or denied by the board of mayor and aldermen within sixty (60) days after the application for the certificate is referred to the chief of police based on compliance with all regulations set forth in this chapter, as well as the following findings:

(1) That the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten (10) year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten (10) year period immediately preceding the date of the application;

(2) That the applicant or applicants have secured a location for the business which complies with all restrictions of any ordinance adopted by the city, as to the location of the business;

(3) That the applicant or applicants have complied with any ordinance of this chapter regulating the number of retail licenses to be issued within the jurisdiction. (as added by Ord. #8-200, Jan. 2017)

**8-208. Certificate expiration.** A certificate of compliance shall expire and become void if the applicant to whom the certificate was granted fails to apply for a liquor store retail license from the Tennessee Alcoholic Beverage Commission within six (6) months of the date of the certificate, or if the liquor store for which a certificate was granted is not in operation within twelve (12) months following the issuance of the certificate; provided, however, that the board of mayor and aldermen may, upon written request of the applicant, extend the expiration date of a certificate for up to three (3) additional months in the event of circumstances beyond the applicant's control, as determined in the sole discretion of the board of mayor and aldermen. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this chapter are met at the time the new application is received. (as added by Ord. #8-200, Jan. 2017)

**8-209. Certificate renewal.** A certificate of compliance shall be renewed by the board of mayor and aldermen provided the applicant continues to meet the standards under which the initial certificate of compliance was issued; and further provided that a completed form of application for renewal, on a form to be provided by the city, with the requisite renewal fee as set forth in § 8-202(11), is paid to the city recorder, and as determined to continue to comply with all requirements for issuance. (as added by Ord. #8-200, Jan. 2017)

**8-210. State license required for liquor store sales.** It shall be unlawful to operate a liquor store and sell alcoholic beverages in the city except in compliance with all state laws, federal laws, ordinances of the city, and rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #8-200, Jan. 2017)

**8-211. Conveyance of ownership prohibited, relocation of store.**

(1) No sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made.

(2) A liquor store shall not be moved from its approved location to another location without the issuance of a certificate of compliance by the board of mayor and aldermen for the new location. (as added by Ord. #8-200, Jan. 2017)

**8-212. Restrictions on licenses.** No more than one (1) establishment for retail liquor shall be allowed within the city limits. (as added by Ord. #8-200, Jan. 2017, and replaced by Ord. #8-200, Jan. 2018 *Ch4\_10-2-18*)

**8-213. Only one establishment to be operated by retailer.** No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #8-200, Jan. 2017)

**8-214. Retail stores to be on ground floor, entrances, building limitations.** No liquor store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street. (as added by Ord. #8-200, Jan. 2017)

**8-215. Sales for consumption on premises.** No alcoholic beverages shall be sold for consumption on the premises of the seller. (as added by Ord. #8-200, Jan. 2017)

**8-216. Radios, amusement devices and seating facilities prohibited in retail establishments.** No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any liquor store establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #8-200, Jan. 2017)

**8-217. Liquor store inspection fee.** There is hereby imposed an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on licensed retailers of alcoholic beverages (liquor stores) and upon retail food store wine licenses located within the corporate limits of the city. It is the intent of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57, chapter 3, inclusive, shall be effective in the city, the same as if said code sections were copied herein verbatim. (as added by Ord. #8-200, Jan. 2017)

**8-218. Privilege tax on retail sale of alcoholic beverages for on premises consumption.** (1) Pursuant to the authority contained in Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption within the city. It is the intent of the board of mayor and aldermen that the said

Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in the city, the same as if said code sections were copied herein verbatim.

(2) Any person exercising the privilege of selling alcoholic beverages for on premises consumption in the city shall remit annually to the city recorder the appropriate privilege tax on or before January 1 of each year. (as added by Ord. #8-200, Jan. 2017)

**8-219. Revocation procedures.** Whenever the board of mayor and aldermen find that a licensee has been, or is, in violation of the provisions of Tennessee Code Annotated, title 57, chapter 1, or the provisions of this chapter, they shall certify such violation to the state alcoholic beverage commission, in such form as the commission requires, which shall have the responsibility for determining whether the offender's license shall be suspended or revoked. (as added by Ord. #8-200, Jan. 2017)

**8-220. General penalty, continuing violations.** (1) The violation of any provision of this chapter shall be punishable 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 chapter shall not prevent the revocation of any permit or license for violation of any provision.

(2) Each day that any violation continues shall constitute a separate offense.

(3) Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #8-200, Jan. 2017)

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER****1. POOL ROOMS.****CHAPTER 1****POOL ROOMS****SECTION**

9-101. Prohibited in residential areas; hours of operation regulated.

9-102. Minors to be kept out; exception.

**9-101. Prohibited in residential areas; hours of operation regulated.** It shall be unlawful for any person to maintain, conduct or operate pool tables, billiard tables or coin operated billiard tables which are kept for public use or hire at any time on Sunday or between the hours of 12:00 Midnight and 6:00 A.M. on other days. Any place of business which operates after said hours are required to have pool tables, billiard tables and coin billiard tables covered and kept from public use. (Ord. #10-137, April 1973, modified)

**9-102. Minors to be kept out; exception.** It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (Ord. #10-137, April 1973)

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<sup>1</sup>Municipal code references

Liquor and beer regulations: title 8.

Noise reductions: title 11.

**TITLE 10****ANIMAL CONTROL****CHAPTER****1. DOGS AND CATS.****CHAPTER 1****DOGS AND CATS****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Vicious dogs to be securely restrained.
- 10-103. Noisy dogs prohibited.
- 10-104. Confinement of dogs suspected of being rabid.
- 10-105. Vicious dogs shall be securely restrained.
- 10-106. Unprovoked attack by a dog.
- 10-107. Vicious dogs.
- 10-108. Violation and penalty.

**10-101. Running at large prohibited.** It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (as added by Ord. #10-101, Jan. 2009)

**10-102. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. A violation of this section shall subject the offender to a penalty provision of this code. (as added by Ord. #10-101, Jan. 2009)

**10-103. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (as added by Ord. #10-101, Jan. 2009)

**10-104. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or

isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (as added by Ord. #10-101, Jan. 2009)

**10-105. Vicious dogs shall be securely restrained.** (1) It shall be unlawful for any owner, as defined herein, or other person who has control or custody over a dog, whether such control or custody shall be temporary or otherwise, to own, keep, harbor or permit to remain on or about the premises of such owner a vicious dog unless such vicious dog shall be securely restrained or confined to an area so as to prevent contact with other animals and persons. Any person having control or custody over a vicious dog, as stated above, shall obtain approval from the rabies control officer as to the adequacy of the restraint or confinement used to secure the vicious dog so as to prevent contact with other animals and persons. A vicious dog not restrained or confined as provided herein may be seized by the rabies officer or any law enforcement agency for impoundment or confinement.

(2) It shall be unlawful for any owner to own, keep, harbor or permit to remain on or about the premises of such owner a vicious dog without posting notice on the premises in an area in plain view to the general public that a vicious dog is on the premises. (as added by Ord. #10-101, Jan. 2009)

**10-106. Unprovoked attack by a dog.** (1) The owner of any dog that attacks by biting, maiming or killing a person shall submit such dog to seizure, confinement, and examination, including both external examination and submission of the dog to internal biological testing, as may be required by the rabies officer, health officer, and/or any law enforcement authorities. For purposes of this section, an attack shall not be considered unprovoked if a dog bites, maims, or kills a person or domestic animal under circumstances that establish that the dog's conduct was reasonable.

(2) The owner of a dog that kills or maims one (1) or more persons or other domestic animals, in one (1) or more unprovoked attacks shall be required to have the dog destroyed on written order of the rabies officer. Any owner may appeal to the city court for review of the order of the rabies officer by filing a petition in the court within five (5) days of receipt of the written order issued by the rabies officer. (as added by Ord. #10-101, Jan. 2009)

**10-107. Vicious dogs.** (1) For the purposes of this section, "vicious dogs" means:

- (a) Any dog which has attacked a human being or domestic animal one (1) or more times without provocation; or
- (b) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- (c) Any dog that snaps, bites or manifests a disposition to snap or bite; or

(d) Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or

(e) Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Tennessee or the United States or a branch of the armed forces of the United States.

(f) Staffordshire terrier breed of dog; or

(g) The American pit bull breed of dog; or

(h) The American Staffordshire terrier breed of dog; or

(i) Dogs of mixed breed or other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or

(j) Any dog which has the appearance and characteristics of being predominantly the breed of Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(2) All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled provided below. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or in lieu of a top, walls at least six feet (6') in height and at least six feet (6') taller than any internal structure.

All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2') so as to prevent digging under the walls by the confined dog. All pens must have a sign with minimum two inch (2") lettering saying "BEWARE OF VICIOUS DOG." The city officers or other person designated by the city council is empowered to inspect such pens at least once per year.

No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet (6') in length and a muzzle. No person shall permit a vicious dog to be kept on a chain, rope or other type leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen (18) years of age or older.

Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure. violation of this section is a misdemeanor and shall be punishable to the maximum allowable under law for each violation.

(3) A vicious dog which is found twice not to be confined as required by this section shall be required to be permanently removed from the town or

destroyed. An animal which is returned to the town after removal under this section shall be destroyed. (as added by Ord. #10-101, Jan. 2009)

**10-108. Violation and penalty.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #10-101, Jan. 2009)

## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

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

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to 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 and beer consumed on the premises having an appropriate permit and/or license, shall be consumed within the establishment and not on or about the parking lot or grounds around the premises.

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<sup>1</sup>Municipal code references

Fireworks and explosives: title 7.

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.

State law reference

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

Persons guilty of violating this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one dollar (\$1.00) or more than fifty dollars (\$50.00). (Ord. #10-137, Dec. 1988)

**11-102. Minors in beer places.** No minor under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1969 Code, § 10-122)

**CHAPTER 2****FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1969 Code, § 10-135, modified)

**CHAPTER 3**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-301. Assault and battery.

**11-301. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon another person. (1969 Code, § 10-101)

## CHAPTER 4

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

**11-401. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1969 Code, § 10-102)

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

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

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

(b) Allow any loud or unusual noise greater than 7.2 decibels, or to meet state requirements (whichever is greater) at a distance of three hundred fifty feet (350') to emanate from the source of origin, between the hours of 12:00 midnight and 7:00 A.M.

(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 persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the 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. (1969 Code, § 10-134, as amended by Ord. #11-402, March 2011)

## CHAPTER 5

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with an officer.

11-505. Coercing people not to work.

**11-501. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1969 Code, § 10-109)

**11-502. Impersonating a government officer or employee.** No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1969 Code, § 10-111)

**11-503. False emergency alarms.** It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1969 Code, § 10-117)

**11-504. Resisting or interfering with an officer.** It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1969 Code, § 10-110)

**11-505. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1969 Code, § 10-131)

**CHAPTER 6****FIREARMS, WEAPONS AND MISSILES****SECTION**

11-601. Throwing missiles.

11-602. Discharge of firearms.

**11-601. Throwing missiles.** It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1969 Code, § 10-114)

**11-602. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1969 Code, § 10-112, modified)

**CHAPTER 7****TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE  
WITH TRAFFIC****SECTION**

11-701. Trespassing.

11-702. Malicious mischief.

11-703. Interference with traffic.

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1969 Code, § 10-126)

**11-702. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1969 Code, § 10-125)

**11-703. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1969 Code, § 10-133)

## CHAPTER 8

### MISCELLANEOUS

#### SECTION

11-801. Abandoned refrigerators, etc.

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-805. Wearing masks.

**11-801. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1969 Code, § 10-123)

**11-802. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1969 Code, § 10-132)

**11-803. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1969 Code, § 10-127)

**11-804. Curfew for minors.** It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 12:00 P.M. and 6:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (Ord. #2, July 1978, modified)

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

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1969 Code, § 10-136)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

#### 1. MODEL ENERGY CODE.

#### CHAPTER 1

#### MODEL ENERGY CODE<sup>1</sup>

#### SECTION

12-101. Model energy code adopted.

12-102. Modifications.

12-103. Available in recorder's office.

12-104. Violation and penalty.

**12-101. Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code<sup>2</sup> 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

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<sup>1</sup>State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

**12-102. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Minor Hill. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

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

**12-104. Violation and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

**TITLE 13**

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

**CHAPTER**

**1. MISCELLANEOUS.**

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

13-101. Health officer.

13-102. Stagnant water.

13-103. Dead animals.

13-104. Health and sanitation nuisances.

13-105. Weeds, shrubbery and vegetation.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. Unless and until otherwise provided by ordinance, the health officer of Giles County will have jurisdiction within the City of Minor Hill. (1969 Code, § 8-401)

**13-102. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1969 Code, § 8-404)

**13-103. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1969 Code, § 8-405)

**13-104. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome

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<sup>1</sup>Municipal code references

Littering streets, etc.: § 16-107.

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. (1969 Code, § 8-406)

**13-105. Weeds, shrubbery and vegetation.** (1) Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation recognized as weeds on his property and it shall be unlawful for any person to fail to comply with an order of the city recorder or police officer to cut such vegetation when it has reached a height of over eight inches (8").

In the event the owner or tenant fails within ten (10) days to comply with the order of the appropriate authority, the City of Minor Hill may go upon the premises and cut the grass or other vegetation.

(2) For a first offense the fine shall be twenty-five dollars (\$25.00) and for each succeeding offense the fine shall not exceed fifty dollars (\$50.00) per offense. An additional charge of one hundred fifty dollars (\$150.00) per hour, with a minimum of two (2) hours, will be charged for a reasonable clean up, for each violation. (as added by Ord. #11-121, Nov. 2012)

**TITLE 14**

**ZONING AND LAND USE CONTROL**

**[RESERVED FOR FUTURE USE]**

## 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<sup>2</sup>

#### SECTION

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

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-122. Delivery of vehicle to unlicensed driver, etc.
- 15-123. Adoption of state traffic statutes.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (Ord. #10-138, Aug. 1989)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (Ord. #10-138, Aug. 1989)

**15-103. Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (Ord. #10-138, Aug. 1989)

**15-104. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (Ord. #10-138, Aug. 1989)

**15-105. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when

overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (Ord. #10-138, Aug. 1989)

**15-106. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (Ord. #10-138, Aug. 1989)

**15-107. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (Ord. #10-138, Aug. 1989)

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

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (Ord. #10-138, Aug. 1989)

**15-109. General requirements for traffic control signs, etc.** All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<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 city. This section shall not be construed as being mandatory but is merely directive. (Ord. #10-138, Aug. 1989)

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**15-110. Unauthorized traffic control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (Ord. #10-138, Aug. 1989)

**15-111. Presumption with respect to traffic control signs, etc.** When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (Ord. #10-138, Aug. 1989)

**15-112. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (Ord. #10-138, Aug. 1989)

**15-113. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (Ord. #10-138, Aug. 1989)

**15-114. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (Ord. #10-138, Aug. 1989)

**15-115. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (Ord. #10-138, Aug. 1989)

**15-116. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (Ord. #10-138, Aug. 1989)

**15-117. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (Ord. #10-138, Aug. 1989)

**15-118. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (Ord. #10-138, Aug. 1989)

**15-119. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (Ord. #10-138, Aug. 1989)

**15-120. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (Ord. #10-138, Aug. 1989)

**15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.** (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

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

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

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

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

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

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

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

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

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the

purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (Ord. #10-138, Aug. 1989)

**15-122. Delivery of vehicle to unlicensed driver, etc.** (1) Definitions.

(a) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

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

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

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

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

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of \_\_\_\_\_ unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city. (Ord. #10-138, Aug. 1989)

**15-123. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated, § 16-18-302, the city adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the city adopts Tennessee Code Annotated, §§ 55-4-101 through 55-4-135, §§ 55-8-181 through 55-8-193, §55-8-199, §§ 55-9-601 through

55-9-606, § 55-12-139, § 55-21-108, and § 55-50-351, by reference as if fully set forth in this section. (as added by Ord. #3-101-A, April 2007, and replaced by Ord. #15-801, Oct. 2018 ***Ch4\_10-2-18***)

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (Ord. #10-138, Aug. 1989)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ord. #10-138, Aug. 1989)

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<sup>1</sup>Municipal code reference

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

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Ord. #10-138, Aug. 1989)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (Ord. #10-138, Aug. 1989)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (Ord. #10-138, Aug. 1989)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (Ord. #10-138, Aug. 1989)

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

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (Ord. #10-138, Aug. 1989)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (Ord. #10-138, Aug. 1989)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (Ord. #10-138, Aug. 1989)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (Ord. #10-138, Aug. 1989)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (Ord. #10-138, Aug. 1989)

**15-405. U-turns.** U-turns are prohibited. (Ord. #10-138, Aug. 1989)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic control signals generally.
- 15-508. At flashing traffic control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (Ord. #10-138, Aug. 1989)

**15-502. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (Ord. #10-138, Aug. 1989)

**15-503. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (Ord. #10-138, Aug. 1989)

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

**15-504. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

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

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

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

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (Ord. #10-138, Aug. 1989)

**15-505. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (Ord. #10-138, Aug. 1989)

**15-506. At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (Ord. #10-138, Aug. 1989)

**15-507. At traffic control signals generally.** Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

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

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (Ord. #10-138, Aug. 1989)

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

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (Ord. #10-138, Aug. 1989)

**15-509. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

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

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (Ord. #10-138, Aug. 1989)

**15-510. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (Ord. #10-138, Aug. 1989)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

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

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

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (Ord. #10-138, Aug. 1989)

**15-602. Angle parking.** On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (Ord. #10-138, Aug. 1989)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (Ord. #10-138, Aug. 1989)

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

- (1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21. (Ord. #10-138, Aug. 1989)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (Ord. #10-138, Aug. 1989)

**15-606. Regulation by parking meters.** In the absence of an official sign to the contrary which has been installed by the city, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by

the board of mayor and aldermen, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (Ord. #10-138, Aug. 1989)

**15-607. Lawful parking in parking meter spaces.** Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (Ord. #10-138, Aug. 1989)

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

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (Ord. #10-138, Aug. 1989)

**15-609. Unlawful to occupy more than one parking meter space.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (Ord. #10-138, Aug. 1989)

**15-610. Unlawful to deface or tamper with meters.** It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (Ord. #10-138, Aug. 1989)

**15-611. Unlawful to deposit slugs in meters.** It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (Ord. #10-138, Aug. 1989)

**15-612. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (Ord. #10-138, Aug. 1989)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Deposit of driver license in lieu of bail.
- 15-707. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be a civil offense for any alleged violator to give false or misleading information as to his name or address. (Ord. #10-138, Aug. 1989)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (Ord. #10-138, Aug. 1989)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation. (Ord. #10-138, Aug. 1989)

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 1.

State law reference

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

**15-704. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (Ord. #10-138, Aug. 1989)

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (Ord. #10-138, Aug. 1989)

**15-706. Deposit of driver license in lieu of bail.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

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

provisions of Tennessee Code Annotated, § 55-50-801, et seq. (Ord. #10-138, Aug. 1989)

**15-707. Violation and penalty.** Any violation of this title shall be a civil offense punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense. (Ord. #10-138, Aug. 1989)

## 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 regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1969 Code, § 12-201)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet. (1969 Code, § 12-202)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1969 Code, § 12-203)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code. (1969 Code, § 12-204)

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body. (1969 Code, § 12-205)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1969 Code, § 12-206)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1969 Code, § 12-207)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1969 Code, § 12-208)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1969 Code, § 12-209)

**16-110. Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1969 Code, § 12-210)

**16-111. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1969 Code, § 12-212)

**16-112. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1969 Code, § 12-213)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

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

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavations in any street, ally, 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. (1969 Code, § 12-101, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

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

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<sup>1</sup>State law reference

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

agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such applications shall be rejected or approved by the recorder within twenty-four (24) hours or its filing. (1969 Code, § 12-102, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

**16-203. Fee.** The fee of twenty-five dollars (\$25.00) for such permits shall be charged by the city for the issuance of a permit for excavations which do not exceed twenty five (25) square feet in area or tunnels not exceeding twenty-five (25) square feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case or tunnels. (1969 Code, § 12-103, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefore has deposited with the recorder a bond or a cash deposit of five thousand dollars (\$5,000.00) when they are digging or cutting across roads. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. Tennessee Code Annotated, § 12-4-201 requires the bonds given on all public works projects over one hundred thousand dollars (\$100,000.00) to be at least twenty-five percent (25%) of the contract price. (1969 Code, § 12-104, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

**16-205. Manner of excavating–barricades and lights–temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of a the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed land provided which shall be safe for travel and convenient for users. (1969 Code, § 12-105, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street,

alley, or public place in this municipality shall restore said street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1969 Code, § 12-106, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

**16-207. Insurance.** In addition to making the deposit or giving the bond herein before required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be presented 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 one hundred thousand dollars (\$100,000.00) for each person and one million dollars (\$1,000,000.00) for each accident, and for property damages not less than seventy-five thousand dollars (\$75,000.00) for any one (1) accident, and a three hundred thousand dollar (\$300,000.00) aggregate. (1969 Code, § 12-107, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

**16-208. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1969 Code, § 12-108, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

**16-209. Supervision.** The recorder or appointee shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1969 Code, § 12-109, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five 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. (1969 Code, § 12-110, as replaced by Ord. #16-200, Sept. 2017 *Ch4\_10-2-18*)

## TITLE 17

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

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

17-101. Dumping of garbage.

17-102. Regulation of storage, collection, removal, and disposal of refuse; schedule of fees.

**17-101. Dumping of garbage.** It shall be a violation of this chapter if any non-resident of the City of Minor Hill is found dumping garbage in any dumping receptacle provided by various commercial establishments within the corporate limits for the disposition of their garbage which ultimately ends up in the City of Pulaski landfill or, is found bringing garbage and placing the same in any area of the City of Minor Hill in any private garbage or refuse receptacle intended for ultimate disposition in the landfill.

The penalty for violating this section shall be the sum of ten dollars (\$10.00) together with costs. (Ord. #8-101, Sept. 1990)

**17-102. Regulation of storage, collection, removal, and disposal of refuse; schedule of fees.** (1) Definitions. (a) "Refuse" shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks and similar materials are expressly excluded therefrom and shall not be stored therewith.

(b) "Residential" shall mean refuse accumulated by residences (single family dwelling units and multiple family dwelling units), including churches, and stored to be collected and disposed of by the city.

(c) "Commercial" is a commercial or small business establishment having no larger volume of waste than can be picked up once weekly with maximum containers being as follows: 3 - 32 gallon cans, OR 5 household sized plastic/sanitary bags (commonly 30 gallon size bags)

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(d) "Industrial" is any residence, church, business, industry, public facility or others that use dumpsters for their refuse disposal needs.

(e) "Refuse generator" is any residence, church, business, industry, public facility or others that generate refuse.

(2) Premises to be kept clean. All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided herein.

(3) Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the City of Minor Hill 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 have a capacity of not less than twenty (20) nor more than thirty-five (35) gallons. Furthermore, the combined weight of any refuse container and its contents shall not exceed thirty-five (35) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. The maximum number of refuse containers that will be collected by the city at any refuse generator's location per week is 3 - 35 gallon cans, or 5 household sized plastic/sanitary bags (commonly 30 gallon size bags)

(4) Location of containers. Where alleys are used by the city's refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line of the resident's property if here is no curb, at such times as shall be scheduled by the city 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.

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

(6) Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule.

(7) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquid draining from the refuse onto the streets and alley. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets and alleys.

(8) Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the sites designated for refuse disposal by the board of mayor and aldermen is prohibited.

(9) Schedule of fees for collection, removal and disposal. The board of mayor and aldermen shall establish, by resolution, a schedule of fees for collection, removal and disposal of all refuse for residential and commercial establishments. A copy of the schedule shall be kept in the city recorder's office for public inspection

(10) Billing of fees. The fee for collection, removal and disposal of refuse performed by the contractor shall be billed and collected by the City of Pulaski Electric Board, including such amounts that are delinquent, penalties and interest. Non-payment of fees will be cause for discontinuance or termination of service.

(11) Penalty. A 10% penalty will be applied to delinquent bills, and shall remain in effect until fees are paid in full.

(12) Violations and enforcement. Any person violating any of the provisions of this chapter shall be served by the city with written notice stating the nature of the violation and providing a seven (7) days' time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently cease and correct all violations.

(13) Prohibited substances and practices. The following substances are hereby prohibited from being deposited with solid waste collected by the city.

(a) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances;

(b) Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment and/or facilities,

(c) Hazardous waste as defined in Tennessee Code Annotated 68-2-12-104(7) and household hazardous waste as defined in Tennessee Code Annotated 68-211-802(a)(7);

(d) Construction waste consisting of materials from construction, demolition, remodeling, construction-site preparation, including but not limited to rocks, bricks, dirt, debris, fill, plaster, guttering, and all types of scrap materials;

(e) Human or animal excrement;

(f) Hot materials such as ashes, cinders, etc.;

(g) Infectious wastes including, but not limited to, those classified by the following:

(i) Isolation wastes - Wastes contaminated by patients who are isolated due to communicable disease as provided in the U. S. Center for Disease Control Guidelines for Isolation Precautions in Hospitals (July 1983).

(ii) Cultures and stocks of infectious agents and associated biological cultures and stocks of infectious agents,

including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biological, discarded lice and attenuated vaccines;

(iii) Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such wastes includes, but is not limited to, culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures and stock of etiologic agents,

(iv) Human blood and blood products - Waste human blood and blood products such as serum, plasmas and other blood components;

(v) Pathological wastes - Pathological wastes, such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy,

(vi) Discarded sharps - All discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades, etc.) used in patient care, medical research or industrial laboratories;

(vii) Contaminated animal carcasses, body parts and bedding - Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biological or in the in-vitro testing of pharmaceutical.

(h) Human and/or animal remains.

(i) Automobile, truck and equipment batteries and tires. (as added by Ord. #17-102, Sept. 1995)

## TITLE 18

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

#### CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

#### CHAPTER 1

### SEWAGE AND HUMAN EXCRETA DISPOSAL

#### 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.

**18-101. Definitions.** The following definitions shall apply in the interpretation of this chapter:

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

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent. Unless and until otherwise provided by ordinance, the health officer of Giles County will have jurisdiction with the City of Minor Hill.

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<sup>1</sup>Municipal code reference  
Refuse disposal: title 17.

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

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

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1969 Code, § 8-201)

**18-102. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1969 Code, § 8-202)

**18-103. When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1969 Code, § 8-203)

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

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1969 Code, § 8-204)

**18-105. Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1969 Code, § 8-205)

**18-106. Use of pit privy or other method of disposal.** 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. (1969 Code, § 8-206)

**18-107. Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1969 Code, § 8-207)

**18-108. Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner to provide such facilities. (1969 Code, § 8-208)

**18-109. Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1969 Code, § 8-209)

**18-110. Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1969 Code, § 8-210)

**18-111. Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1969 Code, § 8-211)

**18-112. Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1969 Code, § 8-212)

**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. (1969 Code, § 8-213)

**18-114. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1969 Code, § 8-214)

**18-115. Violations.** Any person, persons, firm, association, 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. (1969 Code, § 8-215)

## CHAPTER 2

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

#### SECTION

- 18-201. Definitions.
- 18-202. Regulated.
- 18-203. Statement required.
- 18-204. Violations.

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

(1) "Public water supply." The waterworks system furnishing water to the municipality for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical arrangement 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.

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

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

(5) "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 normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "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. (1969 Code, § 8-301)

**18-202. Regulated.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health

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<sup>1</sup>Municipal code references

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

and the operation of such cross connection, auxiliary intake, by-pass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of this municipality. (1969 Code, § 8-302)

**18-203. Statement required.** Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply, or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks. (1969 Code, § 8-303)

**18-204. Violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the waterworks. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the waterworks shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1969 Code, § 8-304)

**TITLE 19**

**ELECTRICITY AND GAS**

**[RESERVED FOR FUTURE USE]**

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

**1. TELEPHONE SERVICE.**

**CHAPTER 1**

**TELEPHONE SERVICE**

**SECTION**

20-101. To be furnished under franchise.

**20-101. To be furnished under franchise.** Telephone 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>1</sup> (Ord. #12-214, July 1971)

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<sup>1</sup>The agreements are of record in the office of the city recorder.

# City Of Minor Hill

P.O. BOX 69  
MINOR HILL, TENNESSEE 38473

## MINUTES OF MEETING

June 6, 1995

The Minor Hill City Council held its regular meeting June 6, 1995, at 7 pm, with Mayor James presiding. All board members were present. Minutes of May 2, 1995 were read and approved as read.

Cecil stated that he has not been able to contact Boll Weavel Witt about cutting the limbs over the road.

We have had a pen built for the card board boxes. Mr. Marks of Marks recycling will pick them up. Mayor James stated that Ted Burdette could give us a price for picking up household garbage. We do not have to take bids if the collector does his own collections. Discussion was held on collections for the businesses. Mayor James asked the board to think over options and we will call a special meeting to make a decision.

He asked if anyone had any suggestions on closing the road behind the Pickett property. Annie Ruth stated that she made a motion to either close or open the road to get it settled. Discussion was held on this. Cecil was asked to talk with Stanley to see if they would trade some of the property so the road could be wider. Annie Ruth withdrew her motion at this time.

Cecil stated that we need to have another reading on the municipal code. Jack made a motion to adopt the municipal code of ordinances on third reading. Junior second the motion. Motion passed with a unanimous vote.

Charlotte Fry, librarian, was present requesting a new copier for the library. Discussion was held on purchasing a copy machine for the office and giving the present one to the library. Jack stated that we do need to get a good machine when we purchase one. He made a motion to purchase one for the office. Junior second the motion. Motion passed with a unanimous vote.

Cecil stated that he has an ad about an automobile for sale that was used by the Metro airport, and has a police package. We can purchase this vehicle with out taking bids. Jack stated that we need to find out what the state bid is on a new vehicle.

Charlotte stated that Mrs Norwood has agreed to serve on the library board. Cecil made a motion to appoint her to the board. Jack second the motion. Motion passed with a unanimous vote.

City Recorder presented the board with financial statements, fines, citation, vehicle reports, and budget comparisons to date and the proposed budget.

# City Of Minor Hill

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Board reviewed the budget comparisons for the year 1994-95 and discussed the need for revisions. City Recorder stated that we need to appropriate \$8600.00 for the operating budget and \$15,000.00 for capital investment in the library. This \$15,000.00 was grants received from the state. Jack made a motion to appropriate the needed funds. Calvin second the motion. Motion passed with a unanimous vote.

Junior made a motion to give the Chamber of Commerce a \$200.00 donation. Calvin second the motion. Motion passed with a unanimous vote.

Discussion was held on the adoption of the 1995-96 proposed budget. Budget includes any salary increases.

Jack made a motion to adopt the 1995-96 budget of \$209,850.00. Annie Ruth second the motion. Motion passed with a unanimous vote.

Financial statements were reviewed.

There being no further business, meeting was adjourned.

  
Cecil James, Mayor

  
Mabel Thornton, City Recorder

AN ORDINANCE ADOPTING A CODE OF ORDINANCES FOR THE CITY OF MINOR HILL,  
TENNESSEE.

WHEREAS the Board of Mayor and Aldermen of the City of Minor Hill, Tennessee, (hereinafter referred to as the "governing body") is desirous of adopting a code of ordinances to be known as the "Minor Hill Municipal Code," now, therefore,

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MINOR HILL, TENNESSEE, THAT:

Section 1. The ordinances of the city of a general, continuing, and permanent application or of a penal nature shall be those provisions in the following "titles," namely "titles" 1 to 13, both inclusive, which are ordained and adopted as the "Minor Hill Municipal Code," hereinafter referred to as the "Municipal Code."

Section 2. Any ordinances of a general, continuing, and permanent application or of a penal nature which are not contained in the Municipal Code are hereby repealed from and after the effective date of said code.

Section 3. Wherever in the Municipal Code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the Municipal Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the Municipal Code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the Municipal Code or other applicable law.

If any person be fined for violating any provision of the Municipal Code such person shall in default of payment of such penalty and costs be required to perform hard labor within or without the workhouse, to the extent that his physical condition shall permit, until such penalty and costs are discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty and costs.

Each day any violation of the Municipal Code continues shall constitute a separate offense.

Section 4. Any printed copy of the Municipal Code certified under the facsimile signature of the recorder shall be held to be a true and correct copy of such codification, and may be read in evidence in any court without further proof of the provisions contained therein.

Section 5. Each section of the Municipal Code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable and the invalidity of any section, part, paragraph, sentence, phrase, or word in the Municipal Code shall not affect the validity of any other part of said Code, and only any part declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 6. Immediately upon adoption of the Municipal Code it shall be

reproduced in loose-leaf form. The governing body 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 general ordinance 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 passed since the adoption of the original Municipal Code. 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 7. 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 and safety shall prevail.

Section 8. Three (3) copies of the Municipal Code, shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 9. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the Municipal Code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading \_\_\_\_\_, 19\_\_.

Passed 2nd reading \_\_\_\_\_, 19\_\_.

Passed 3rd reading \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder