

**THE
ROCKWOOD
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

August 1999

Change 5
January 27, 2025

CITY OF ROCKWOOD, TENNESSEE

MAYOR

Jason Jolly

VICE MAYOR

Steve Bryant

COUNCILMEMBERS

Bobby Anderson, Jr.
Larry Davis
Paul Kamikawa
Michael Reed
April Foust Wilson

RECORDER

Becky Ruppe

PREFACE

The Rockwood Municipal Code contains the codification and revision of the ordinances of the City of Rockwood, 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 pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

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

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

Steve Lobertini
Codification Consultant

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

Section 2. Ordinance Adoption. Except as otherwise provided, ordinances shall be passed in the following manner. Every proposed ordinance shall be in writing. After adoption of a code of ordinances, each ordinance of a general and permanent nature shall be adopted, as far as practicable, as amending or adding a numbered section of the code. Any ordinance which amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or sub-sections amended. Each ordinance shall be read and passed at two separate meetings, which may be regular or special, but which shall be at least ten days apart. After passage, each ordinance shall be authenticated by the Mayor and Recorder or by two Councilmen, and placed in a binder. The body of ordinances may be omitted from the minutes of the Council, but reference therein shall be made to the ordinance by number and subject matter.

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. RECORDER.
3. MUNICIPAL ADMINISTRATOR.
4. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

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

1-101. Time and place of regular council meetings. The city council shall hold regular monthly meetings at 7:00 P.M., local time, on the fourth Monday night of each month at the city hall. (1970 Code, § 1-101, as amended by Ord. #11-1134, Sept. 2010)

1-102. Order of business. At each meeting of the city council, the following regular order of business shall be observed unless dispensed with by a majority vote of the council:

- (1) The meeting will be called to order by the mayor.

¹Charter references

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation: art. IV, § 2.

Oath of office: art. IV, § 2.

Term of office: art. III, § 2.

Vacancies in office: art. IV, § 3.

- (2) The roll will be called by the recorder.
- (3) The minutes of the previous meetings shall be approved by the council.
- (4) The council will hear communications from the mayor and councilmen.
- (5) The council will hear reports from committees and officers.
- (6) The council will dispose of old business.
- (7) The council will consider new business.
- (8) The council will hear grievances from citizens.
- (9) The meeting will be adjourned. (1970 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, 1990 (9th) Edition, 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. (1970 Code, § 1-103, modified)

CHAPTER 2**RECORDER¹****SECTION**

1-201. To be bonded.

1-202. To keep an ordinance book.

1-203. To perform general administrative duties, etc.

1-201. To be bonded. The recorder shall be bonded in the sum of fifty thousand dollars (\$50,000.00) before assuming the duties of his office. (1970 Code, § 1-201, modified)

1-202. To keep an ordinance book. The recorder shall keep an ordinance book in which he shall keep the original copy of all ordinances passed by city council.² (1970 Code, § 1-202)

1-203. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and council members and for the city which are not assigned by the charter, this code, or the board of mayor and council members to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers.

¹Charter reference: art. VI, § 7.

²Charter reference: art. V, § 2.

CHAPTER 3

MUNICIPAL ADMINISTRATOR

SECTION

- 1-301. Office of municipal administrator created.
- 1-302. Residence.
- 1-303. Vacancy in office of, or absence of.
- 1-304. Departmental cooperation.
- 1-305. Duties of the administrator.
- 1-306. Removal and severance pay.

1-301. Office of municipal administrator created. There is hereby created the office of Municipal Administrator for the City of Rockwood. The city council may appoint and fix the salary and term of office of said administrator. The administrator shall be responsible to and shall report to the mayor and city council of the City of Rockwood. The administrator shall be selected on the basis of training or experience and other administrative qualifications. The administrator may have a college degree and training in municipal management, public administration, business, planning or other comparable studies. In lieu of the aforesaid educational qualifications, the administrator may have at least four (4) year experience in local government and public administration. The administrator shall give full time and duties to the office. No present or future member of the Rockwood City Council nor any present or future Mayor of the City of Rockwood may be eligible for this office a period of one (1) year from the expiration of his/her latest term. (1970 Code, § 1-1101, modified, as replaced by Ord. #11-78, Nov. 2013)

1-302. Residence. Residence in the City of Rockwood shall not be required as a condition for serving as municipal administrator. However, the municipal administrator must reside in close proximity to Roane County and the City of Rockwood to allow the municipal administrator to efficiently discharge the duties of the office. (1970 Code, § 1-1102, as replaced by Ord. #11-78, Nov. 2013)

1-303. Vacancy in office of, or absence of. During periods of vacancy in the office, temporary absences or disability of the administrator, the chief executive officer may appoint an acting administrator as outlined in art. VI, § 1 of the city charter, until the city council fills the vacancy of the city administrator. (1970 Code, § 1-1103)

1-304. Departmental cooperation. It shall be the duty of all subordinate officers and the city recorder and city attorney to assist the city administrator in administering the affairs of the city effectively, economically and harmoniously. (1970 Code, § 1-1104)

1-305. Duties of the administrator. It shall be the duty of the administrator to supervise and coordinate all administrative activities of each department under the mayor, and to perform such duties as may be assigned by the chief executive officer to assist the chief executive officer in carrying out his duties as outlined in art. VI, § 2 of the charter of the City of Rockwood. The administrator shall be responsible to and shall report to the mayor and city council of Rockwood. He shall have the following duties with respect to the administration of the affairs of the city under the mayor and city council:

(1) To make recommendations to the mayor and city council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the city.

(2) To keep the mayor and city council fully advised as to the condition and needs of the city including an inventory of property and equipment and to recommend repairs and replacement as required.

(3) To recommend programs or projects involving public works on public improvements to be undertaken by the city and to recommend and solicit funding for such programs and projects.

(4) To advise and consult with the department directors in determining personnel needs of the city.

(5) To consult and assist the city finance officer and mayor in the preparation of departmental budgets and municipal budgets for presentation to the city council.

(6) To act as liaison officer for the mayor and city council in coordinating the activities under the council with the activities of the city under separate boards and commissioners.

(7) To attend all meetings of city council and to attend the meetings of other municipal boards, commissions and committees as he deems necessary or upon their request. He shall be heard by such bodies as to all matters upon which he wishes to address the members thereof, and shall inform said members as to the status of any matter being considered by the city council and he shall cooperate to the fullest extent with such commissions, boards and committees.

(8) To attend and participate in conferences, seminars, training and related assemblies and events related to the functions of municipal administration.

(9) To serve as grant administrator for Rockwood, to become knowledgeable in applicable federal, state, and private grants and to assist in such applications. He shall keep adequate and accurate records related to such applications and the receipt and expenditure of funds.

(10) To perform other duties as may be assigned by the mayor or by resolution of the Rockwood city council. (1970 Code, § 1-1105)

1-306. Removal and severance pay. The municipal administrator shall serve at the pleasure of the mayor and city council, but may not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general municipal election held

in the city at which election a member of the city council is elected or when a new city councilman is appointed; the purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city administrator in the performance of the powers and duties of his office. After the expiration of ninety (90) days he may be removed only by an affirmative vote of four (4) members of the city council as then constituted. Upon termination employment of the administrator by reason of involuntary removal from service other than for willful misconduct in office, he shall receive cash severance pay in a lump sum equal to two months' pay. (1970 Code, § 1-1106)

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

¹State 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, ch. 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.

1-401. Applicability. This chapter is the code of ethics for personnel of the City of Rockwood. 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 Rockwood. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #07-1101, May 2007)

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

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-1101, May 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 himself¹ from voting on the measure. (as added by Ord. #07-1101, May 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

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

policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-1101, May 2007)

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the City of Rockwood:

(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. #07-1101, May 2007)

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

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-1101, May 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 governing body to be in the best interests of the City of Rockwood. (as added by Ord. #07-1101, May 2007)

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

(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 Rockwood. (as added by Ord. #07-1101, May 2007)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the City of Rockwood's charter or any ordinance or policy. (as added by Ord. #07-1101, May 2007)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the City of Rockwood. Upon the written request of an official or

employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #07-1101, May 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 City of Rockwood's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-1101, May 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

1. ROCKWOOD PUBLIC LIBRARY AND LIBRARY BOARD.
2. ROCKWOOD MUNICIPAL GOLF COURSE BOARD.
3. ELECTRIC POWER BOARD OF ROCKWOOD.
4. BOARD OF WATERWORKS, SEWERAGE, AND NATURAL GAS COMMISSIONERS.

CHAPTER 1

ROCKWOOD PUBLIC LIBRARY AND LIBRARY BOARD

SECTION

- 2-101. Establishment.
- 2-102. Library board; appointment; terms; compensation.
- 2-103. Powers; duties of board.
- 2-104. Finances.
- 2-105. Use of library.
- 2-106. Rules governing loss, injury to books.
- 2-107. Solicitation of funds, acceptance of gifts, etc.
- 2-108. Vacancies and removal of board members.

2-101. Establishment. There is hereby created and established an independent free library to be known and designated as the Rockwood Public Library, which shall be managed and governed by a board of directors of seven (7) members. Said board of directors shall be vested with such power and have such duties as set forth hereinafter. (1970 Code, § 1-1401)

2-102. Library board; appointment; terms; compensation. The Rockwood Library Board shall consist of seven (7) members and shall be appointed and confirmed by the governing body of the City of Rockwood. There shall be one (1) member of city council appointed to said board with the term of appointment to run concurrently with the term of election to city council, but not to exceed three (3) years. The original membership of the other six (6) members of said board shall consist of two (2) members appointed for one (1) term of one (1) year each; two (2) members for a term of two (2) years each; two (2) members appointed for a term of three (3) years each. All members thereafter, except the

¹Municipal code reference
Civil service board: Title 4.

member from the city council, shall be appointed for a term of three (3) years. The member from city council shall serve while a member of city council but said city council member's term shall not exceed three (3) years. All members of said board shall be residents and taxpayers of the City of Rockwood, except for two (2) members who may be residents outside the City of Rockwood. All members shall be reimbursed for the necessary expenses in the performance of their duties. No board member shall be reappointed to serve more than two (2) consecutive terms. (1970 Code, § 1-1402, as replaced by Ord. #12-93, July 2023 *Ch5_01-27-25*, and Ord. #12-98, Feb. 2024 *Ch5_01-27-25*)

2-103. Powers; duties of board. The members of the library board shall organize by electing a chairman, vice chairman, and a secretary. The board shall adopt by-laws and regulations governing its actions. The board shall have the power to direct all the affairs of the library, including appointment of a librarian who shall direct the internal affairs of the library, and such assistants or employees as may be necessary. The board may make and enforce rules and regulations governing operation of the library and expend funds for the special training and formal education of library personnel. (1970 Code, § 1-1403)

2-104. Finances. The library board shall prepare annually in detail a budget for public library purposes and shall submit the same to the city council, who shall have full power and authority to strike in whole or in part any item in the budget. The city recorder as treasurer of the library board, shall have custody of all monies and possessions of said board and shall disburse monies only upon receipt of proper invoices and in accordance with a budget approved by city council. All funds belonging to the library board shall be paid into the hands of the treasurer of the city and funds disbursed on behalf of the library shall be in accordance with established procedures of the city. All library accounts of every character shall be audited annually by or under the city.

It is further provided that a treasurer for the library board is hereby authorized to receive funds and disburse same for the board on an internal basis. These funds are to be separate and apart from the duly authorized budget for the library board as adopted by city council, and shall not be a part of the library budget, as set forth by the council. (1970 Code, § 1-1404)

2-105. Use of library. The Rockwood Public Library shall be free to the inhabitants and residents of the city; however, the board may, in its discretion, extend the privileges and facilities of the library to persons being outside the city upon such terms as it may deem proper. (1970 Code, § 1-1405)

2-106. Rules governing loss, injury to books. The library board shall have the power to make and enforce rules providing penalties for loss or injury to library property. (1970 Code, § 1-1406)

2-107. Solicitation of funds, acceptance of gifts, etc. The library board shall have the right to solicit funds, accept gifts, bequests, devises, and donations, in the name of the City of Rockwood for and on behalf of the library, but all funds so received shall be paid into the city treasury and shall be used exclusively for library purposes.

Provided further that the library board shall have the right to create an endowment or trust fund with its separate tax identification number for the purpose of providing additional funds for the library through gifts, bequests, devises and donations. Said endowment or trust fund shall be subject to audit by the municipality. (1970 Code, § 1-1407)

2-108. Vacancies and removal of board members. The city council may remove any member of the library board for cause upon two-thirds majority vote. In the event of a vacancy on the public library board occasioned by removal, death, resignation, inability or refusal of a member thereof to serve, said vacancy shall be filled for the unexpired term by appointment and confirmation of the governing body. (1970 Code, § 1-1408)

CHAPTER 2

ROCKWOOD MUNICIPAL GOLF COURSE BOARD

SECTION

2-201. Establishment.

2-202. Board appointments: terms and compensation.

2-203. Vacancies and removal of board members.

2-204. Powers, duties and responsibilities.

2-205. Employees.

2-206. Finances.

2-207. Solicitations of funds, grants, and gifts.

2-201. Establishment. There is hereby created and established the Rockwood Municipal Golf Course Board (the board), which shall be vested with management authority for the Rockwood Municipal Golf Course and Club (municipal golf facility). (1970 Code, § 1-1801)

2-202. Board appointments: terms and compensation. The board shall consist of five (5) appointees serving four-year terms; however, the initial terms shall be for one (1), two (2), three (3), and four (4) years; the fifth member shall be a member of the city council and shall serve concurrently with the term of election to the city council. The remaining four (4) members shall be appointed by the chief administrative officer (mayor) subject to approval of the city council. Board members shall be compensated at the rate of \$50.00 per month. (1970 Code, § 1-1802)

2-203. Vacancies and removal of board members. Members of the board may be removed for cause upon majority of four (4) votes by the city council. All vacancies shall be filled for the unexpired term; by appointment of the mayor and confirmation of the city council. (1970 Code, § 1-1803)

2-204. Powers, duties and responsibilities. Members of the board shall organize and elect officers as deemed necessary by the board, however, the city council member shall not be eligible to serve as permanent chairperson, but shall preside during the election of the chair. The board shall adopt by-laws and rules and regulations governing its action. The board shall have the power to establish and determine policies governing the operation of the municipal golf facility and the services and duties of employees. The board shall prepare for the approval of the city council, an annual budget, that shall include as separate parts, operational elements and capital improvement elements. The operations budget shall separately identify all management personnel and proposals for employee and board compensation, including reimbursement reserves. (1970 Code, § 1-1804)

2-205. Employees. The board, with prior approval of the city council, may engage the services of a manager, either as a municipal employee, or under contract for services. Neither the board nor individual members shall exercise direct supervision of non-management personnel, except at such time that the operations of the municipal golf facility is under the direct management of the board or its designated member. (1970 Code, § 1-1805)

2-206. Finances. It is the intent that the municipal golf facility shall be a self-sustaining operation, which may from time to time, require financial assistance which may be provided at the discretion of the city council. The council shall exercise fiduciary control and may strike in whole or in part any budget item. The city treasurer shall serve as financial custodian and shall receive and disperse funds of the board as per procedures approved by the city council. Variations from standard municipal policies shall not occur except upon approval of the city council. (1970 Code, § 1-1806)

2-207. Solicitations of funds, grants, and gifts. The board shall have the right and shall seek funds from public and private sources in the name of the City of Rockwood for the municipal golf facility, but all funds shall be deposited in the city treasury primarily for the improvement of the municipal golf facility and its operations. At no time shall the expenditure of revenues generated by the municipal golf facility for non-facility related activities, create a deficit in the facility account. (1970 Code, § 1-1807)

CHAPTER 3

ELECTRIC POWER BOARD OF ROCKWOOD

SECTION

- 2-301. Creation, membership and organization of the board.
- 2-302. Affidavit of board members.
- 2-303. Removal of board members.
- 2-304. Meetings, rules, procedures and compensation for the board.
- 2-305. Powers and duties of the board.
- 2-306. Quorum and voting.
- 2-307. Building permit or certificate of occupancy required before service is supplied.

2-301. Creation, membership, and organization of the board. The operation and control of the electric system shall be vested in the Electric Power Board of Rockwood, and the Electric Power Board of Rockwood shall consist of four (4) members appointed by the governing body of the City of Rockwood upon recommendation by the mayor, and one (1) member from the City of Kingston appointed by the governing body of the City of Rockwood upon recommendation by the governing body of the City of Kingston. Three (3) members shall be residents of the City of Rockwood, one (1) member shall be a resident of the City of Kingston, and one (1) member shall be a resident of the unincorporated area served by such board. One (1) of the members who is a resident of the City of Rockwood shall be a member of the city council. The other two (2) members from the City of Rockwood shall be property holders in the city, and shall be residents of the City of Rockwood for one (1) year preceding their appointment. The member from the City of Kingston shall be a property holder in said city, and shall be a resident of said city for one (1) year preceding the appointment. The member from the unincorporated area served by such board shall be a property holder in said unincorporated area and a resident in said unincorporated area for one (1) year preceding the appointment. Upon expiration of the term of each power board member not a member of the city council, the city council of the City of Rockwood shall appoint a successor to serve a four (4) year term, upon recommendation from the mayor, or in the case of the expired term of the power board member from the City of Kingston, upon recommendation of the governing body of the City of Kingston. A board member who is a member of the city council shall serve a term to run with his or her term of office as a member of the city council. Non-council members of the board may not be appointed to succeed themselves more than once. When a vacancy occurs for any other reason, the City Council of the City of Rockwood shall appoint a successor for the unexpired term, only upon recommendation from the mayor, or in the case of a successor to the power board member from the City of Kingston, upon recommendation from the governing body of the City of Kingston. This section

shall not be construed to remove any incumbent from office and the provisions of this section shall be implemented as the terms of office of the members of the board expire.

The power board shall elect from among its members a chairperson and a secretary-treasurer who shall serve a term of one (1) year each and who shall be eligible to succeed themselves. All appointments to the electric power board shall be made by the city council by resolution. (1970 Code, § 13-101, as amended by Ord. #11-1143, May 2011, and Ord. #11-83, Feb. 2014, and replaced by Ord. #12-77, Sept. 2021 *Ch4_06-20-22*)

2-302. Affidavit of board members. All members of the power board, before entering upon the discharge of the duties of their office, shall make and subscribe to an affidavit before some authorized person to administer an oath, that they will faithfully and honestly discharge the duties of their office. However, unless otherwise provided by rules, by-laws or regulations adopted by the power board, and/or unless required by the city council, the members thereof shall serve without bond. (1970 Code, § 13-102)

2-303. Removal of board members. Any member of the power board may be removed from office for cause by majority vote of four (4) members of the city council. Any member of the power board may also be removed from office whenever it appears to a majority of the members of the city council that the power board member has a conflict of interest with the power board or the city council of the City of Rockwood. No board member shall be removed by the city council until after a public hearing is held by the city council. The public hearing shall be held only after a notice of hearing has been received by the member to be removed by certified mail at least ten (10) days before the date of hearing. (1970 Code, § 13-103)

2-304. Meetings, rules, procedures and compensation for the board. Meetings of the power board shall be held at such intervals and times and at such places as it shall prescribe. The board shall establish its own rules of procedure. Each member of the board shall receive the sum of fifty dollars (\$50.00) per month as compensation for his/her services, the chairman of the board shall receive an additional fifty dollars (\$50.00) per month. The board members shall also be reimbursed for any expenses actually incurred while engaged in the business of the board. (1970 Code, § 13-104, modified)

2-305. Powers and duties of the board. The power board shall have the entire and exclusive administrative control of the operation, maintenance, improvement, construction and reconstruction of the electrical system and the improvements and extensions made thereto. It shall have the authority to engage, determine the number of and fix the salaries, qualifications and duties of all employees and to remove any or all employees at its discretion. The board

may also, in its discretion, delegate to a manager or superintendent to be chosen by it the authority to employ and remove subordinate employees.

All revenues derived from the operation of the electric system and all funds now in the hands of the present manager of the system and/or the power board or in the custody or control of the city by virtue of the issuance and sale of electrical system revenue bonds and the acquisition and/or operation of the system shall be deposited in some national or state charter bank or banks or federal savings and loan association bank or banks designated by the board and kept in a separate fund account in the name of the "Electric Power Board of Rockwood." Such funds shall be disbursed on warrants or checks by the board drawn against the said fund account. The warrants or checks shall be signed by the general manager and countersigned by the office manager. Warrants or checks may be signed by the secretary-treasurer of the board, and/or any other member of the power board as the board may designate in the absence or incapacitation of the general manager or office manager. It is further provided that other persons may be designated by the board to sign petty cash checks.

The board shall keep a complete and accurate record of all meetings and actions taken and of all receipts and disbursements and shall make reports of same to the city council of the City of Rockwood. Said reports shall consist of the minutes and the financial report of the power board meeting held immediately preceding said report to city council. All reports and financial statements shall be in writing and shall be filed with the city council at least five (5) days preceding the regular monthly meeting of the city council and a copy of said reports shall be filed with the recorder for permanent record. The superintendent shall attend council (city council) meetings upon request.

The board shall have the authority to employ legal counsel, engineers and other professional services at any time the board deems it necessary to employ such services.

All powers and duties granted in this section however, shall be subject of the provisions of all applicable electric system bond ordinances and resolutions and further subject to the provisions of any and all contract agreements heretofore entered into by the City of Rockwood and the Tennessee Valley Authority and/or the purchasers of electrical system revenue bonds. (1970 Code, § 13-105)

2-306. Quorum and voting. A majority of the members of the power board (3) shall constitute a quorum thereof for the transaction of business. The affirmative vote of a majority of those present at any meeting shall be necessary to adopt any motion, resolution, rule or to adopt any measure. The chairman shall at all times be entitled to vote upon any and all questions before the board. (1970 Code, § 13-106)

2-307. Building permit or certificate of occupancy required before service is supplied. Prior to the provision of electric, water, gas, or

sewer utility services to a site the service provider shall require the applicant to provide a valid building permit or certificate of occupancy. A certificate of occupancy may be issued without inspection of an existing structure, residential or business, provided the building inspector determines that the property complies with zoning requirements and that an inspection is not required under the provisions of title 13, chapter 2 and/or other municipal ordinances and codes. (1970 Code, § 13-107)

CHAPTER 4

BOARD OF WATERWORKS, SEWERAGE, AND NATURAL GAS COMMISSIONERS¹

SECTION

- 2-401. Creation; membership; term; qualifications; compensation; powers and duties.
- 2-402. Meeting.
- 2-403. Quorum.
- 2-404. Removal of members.
- 2-405. Method of notices.

2-401. Creation; membership; term; qualifications; compensation; powers and duties. There is hereby created a board to be known and designated as the board of waterworks, sewerage and natural gas commissioners, which shall be responsible for the custody, administration, operation, maintenance and control of the Waterworks, Sewerage and Natural Gas Systems of the City of Rockwood.

The Board of Waterworks, Sewerage and Natural Gas Commissioners of the City of Rockwood shall consist of five (5) members appointed by the governing body of the City of Rockwood upon recommendation by the mayor. Four (4) members shall be residents of the City of Rockwood, and one (1) member shall be a resident of the unincorporated area served by such board. One (1) of the members that is a resident of the City of Rockwood shall be a member of the city council. The other three (3) members from the City of Rockwood which shall be property holders in the city, and shall be residents of the City of Rockwood for one (1) year preceding their appointment. The one (1) member from the unincorporated area of such board shall be a property holder in said unincorporated area and shall be a resident thereof for one (1) year preceding their appointment. Upon expiration of the term of each board member not a member of the city council, the City Council of the City of Rockwood shall appoint a successor to serve a four (4) year term upon recommendation by the mayor. A board member who is a member of the city council shall serve a term to run with his or her term of office as a member of the city council. Non-council members of the board may not be appointed to succeed themselves more than once. When a vacancy occurs for any other reason, the City Council of the City of Rockwood shall appoint a successor for the unexpired term only upon recommendation by the mayor.

¹Municipal code reference

Water, sewers, and gas: title 18, ch. 4.

This section shall not be construed to remove any incumbent from office and the provisions of this section shall be implemented as the terms of office of members of the board expire. Members of the board of waterworks, sewerage and natural gas commissioners shall qualify in the manner required by Public Acts 1933, Chapter 68 (Tennessee Code Annotated, §§ 7-35-401, et seq.). After having taken the oath of office required for governing officials, the board shall meet for the purpose of effecting its organization as provided in the above-mentioned public act. The board shall elect a chairperson from among its membership, and the chairperson shall serve a term of one (1) year. The chairperson may be reelected for consecutive and multiple terms. The members of the board shall receive no compensation for their services but shall receive an allowance in the amount of fifty dollars (\$50.00) per month for the attendance at meetings. The board member shall also be reimbursed for any expenses actually incurred while engaged in the business of the board. The board shall elect a secretary-treasurer who need not be a member of the board. The board, in its discretion, shall fix the amount of any surety bond that the board will require of such secretary-treasurer and may, in its discretion, fix compensation for such secretary-treasurer. After the board has effected its organization, it shall have and exercise all of the powers and duties prescribed for it by the aforementioned 1933 Public Act and keep the records and accounts required by that Act subject to the making of additional provisions or regulations as the city council is authorized to make under such Act. All appointments to the board of waterworks, sewerage and natural gas commissioners shall be made by the city council by resolution. The board shall make reports to the City Council of the City of Rockwood consisting of minutes and the financial report of the board meetings held immediately preceding said report to city council. All reports and financial statements shall be in writing and shall be filed with the city council at least five (5) days preceding the regular monthly meeting of city council and a copy of said report shall be filed with the city recorder for permanent record. (1970 Code, § 13-201, as amended by Ord. #1040, Nov. 2000, and replaced by Ord. #11-1133, Sept. 2010, Ord. #11-1136, Oct. 2010, Ord. #11-1141, March 2011, Ord. #12-40, June 2017, and Ord. #12-78, Sept. 2021 ***Ch4_06-20-22***)

2-402. Meetings. The board of waterworks, sewerage and natural gas commissioners shall meet in council chambers, city hall, the fourth (4th) Tuesday of each month at 6:00 P.M. local time for the regular business session of the board, and at all other times and places as the board may adjourn to or reschedule the regular meeting to. The board may hold additional meetings at such times and places as needed for the conduct of any special business. Business transacted at special called meeting shall be confined to the subjects stated in the call. Written notice of special meeting shall state the time, place and purpose of such meetings and shall be mailed, postage prepaid, or otherwise delivered, at least five (5) days before such meeting to each board member at such address as appears on the books of the board. Any two (2) board members

may call a special meeting of the board at any time provided the aforesaid notice is properly given to all members. (1970 Code, § 13-301, as amended by Ord. #03-1065, July 2003, and Ord. #08-1109, Oct. 2007, as amended by Ord. #1040, Nov. 2000, replaced by Ord. #11-1133, Sept. 2010, Ord. #11-1136, Oct. 2010, Ord. #11-1141, March 2011, amended by Ord. #12-35, April 2017, and replaced by Ord. #12-40, June 2017)

2-403. Quorum. A majority of the members of the power board (3) shall constitute a quorum thereof for the transaction of business. The affirmative vote of a majority of those present at any meeting shall be necessary to adopt any motion, resolution, rule or to adopt any measure. The chairman shall at all times be entitled to vote upon any and all questions before the board. (1970 Code, § 13-302, modified, as replaced by Ord. #11-1133, Sept. 2010, deleted by Ord. #11-1136, Oct. 2010, and added by Ord. #11-1141, March 2011)

2-404. Removal of members. Any member of the board may be removed from office for cause, but only after preferment of formal charges and a trial before a court of proper jurisdiction. Charges may be preferred by resolution of the governing body of the City of Rockwood, by any member of the board, or by a petition signed by two percent (2%) or more, but no fewer than twenty-five (25) in number of the owners of property served by the Rockwood water, sewer and natural gas department. (1970 Code, § 13-220, as replaced by Ord. #11-1133, Sept. 2010, deleted by Ord. #11-1136, Oct. 2010, added by Ord. #11-1141, March 2011, and replaced by Ord. #12-40, June 2017)

2-405. Method of notices. Whenever under the provisions of this ordinance notice is required to be given to any board member, it shall not be construed to mean personal notice but such notice is given in writing by mail by depositing the same in the post office or letter box in a postpaid, sealed wrapper, addressed to such board members at last address as appears on the books of the commission and such notice shall be deemed to be given at the time when the same shall thus be mailed. (1970 Code, § 13-303 as replaced by Ord. #11-1133, Sept. 2010, deleted by Ord. #11-1136, Oct. 2010, and added by Ord. #11-1141, March 2011)

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

CHAPTER 1**CITY JUDGE****SECTION**

- 3-101. City judge.
3-102. Jurisdiction.

3-101. City judge. (1) Appointment and term. The city judge designated by the charter to handle judicial matters within the city shall be appointed by and shall serve at the will and pleasure of the city council. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall be a minimum of twenty-one (21) years of age, and may be licensed by the State of Tennessee to practice law, and be a resident of Roane County. If the city judge for any reason removes his domicile from Roane County after his appointment, the removal of his domicile shall automatically create a vacancy in the office of city judge.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

¹Charter reference: art. VI, §§ 4, 5, and 6.

Municipal code reference

Policemen to attend the city court and serve process: § 6-102.

3-102. Jurisdiction. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed \$500.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before the city court. The docket shall include for each defendant such information as his name; action dates; warrant and summons numbers; alleged offense; disposition; civil penalties and costs imposed and whether collected. (1970 Code, § 1-402, modified)

3-202. Imposition of fines, penalties, and costs. (1) All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

(2) The city judge shall have the authority, upon proper cause being shown, to suspend, remit, or release all or part of any fines, and/or costs imposed and/or recorded in the city court.

(3) The following costs and litigation taxes are established for the City Court of the City of Rockwood.:

(a) Eighty dollars (\$80.00) court costs and five dollars (\$5.00) technology fee in addition to the fine imposed on each offense.

(b) There shall be imposed the state litigation as set forth in Tennessee Code Annotated, § 67-4-602, and the costs of any capias issued in the case.

(4) The city recorder shall remit all five dollar (\$5.00) technology fees collected to the Rockwood City Police Department. (1970 Code, § 1-408, modified, as replaced by Ord. #05-1073, Oct. 2004, and amended by Ord. #11-90, Aug. 2014)

3-203. Disposition and report of civil penalties, and costs. All funds coming into the hands of the city judge in the form of civil penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. Then, at the end of each month, he shall submit to the city council a report accounting for the collection or non-collection of all civil penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1970 Code, § 1-411, modified)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1970 Code, § 1-412)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. (1970 Code, § 1-406, modified)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ Only the city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1970 Code, § 1-403)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1970 Code, § 1-404)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will enable him to equitably dispose of matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1970 Code, § 1-405)

¹State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 4

BONDS AND APPEALS

SECTION

- 3-401. Appearance bonds authorized.
3-402. Appeals.
3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. (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.

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1970 Code, § 1-409)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in the sum of one hundred dollars (\$100.00) and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made:

- (1) In the form of a cash deposit, or
- (2) By any corporate surety company authorized to do business in Tennessee, or
- (3) By two (2) private persons who individually own real property of sufficient value which is located within the county. No other type bond shall be acceptable. (1970 Code, § 1-410)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. NEPOTISM.
5. CIVIL SERVICE BOARD.
6. SEXUAL HARASSMENT POLICY.
7. BEREAVEMENT.

CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
- 4-106. Personnel excluded from coverage.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for the employees and officials thereof of the city, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-601)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1970 Code, § 1-602)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

and shall be paid over to the state or federal agency designated by said laws or regulations. (1970 Code, § 1-603)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1970 Code, § 1-604)

4-105. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-605)

4-106. Personnel excluded from coverage. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. There is further excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, compensation for which is on a fee basis or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1970 Code, § 1-606)

CHAPTER 2**PERSONNEL REGULATIONS****SECTION**

4-201. Policies and procedures.

4-202.-4-233. Deleted.

4-201. Policies and procedures. Personnel policies and procedures are adopted by Ord. #12-53 as if fully set out herein.¹ (1970 Code, § 1-701, as replaced by Ord. #12-53, Dec. 2018 *Ch3_6-18-19*)

4-202.--4-233. Deleted. (1970 Code, as deleted by Ord. #12-53, Dec. 2018 *Ch3_6-18-19*)

¹Personnel policies and procedures for the City of Rockwood, and any amendments thereto, may be found in the recorder's office.

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

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

4-301. Title. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY. (1970 Code, § 1-1001, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 *Ch4_06-20-22*)

4-302. Purpose. The CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY 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.
 - (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,

¹The Occupational Safety and Health Program for the City of Rockwood, including all Appendices, is included in this municipal code as Appendix A.

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. (1970 Code, § 1-1002, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 ***Ch4_06-20-22***)

4-303. Coverage. The provisions of the occupational safety and health program plan for the employees of the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1970 Code, § 1-1003, as replaced by Ord. #1066, Aug. 2003 and Ord. #07-1098B, Feb. 2007, as replaced by Ord. #12-69, Aug. 2020 ***Ch4_06-20-22***)

4-304. Standards authorized. The occupational safety and health standards adopted by the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY 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). (1970 Code, § 1-1004, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 ***Ch4_06-20-22***)

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. (1970 Code, § 1-1005, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 *Ch4_06-20-22*)

4-306. Administration. For the purposes of this chapter, Fire Chief Matthew Crabtree and Building Inspector Harold Ishman are designated as Co-Safety Director(s) of Occupational Safety and Health for the City of Rockwood, Rockwood Water, Sewer & Natural Gas and Rockwood Electric Utility. Bonnie Fugate and John Skidmore Co-Safety Director(s) for Rockwood Water, Sewer & Natural Gas and Marty Hill, Safety Director for Rockwood Electric) to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The Safety Director(s) 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. (1970 Code, § 1-1006, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Ord. #12-69, Aug. 2020 *Ch4_06-20-22*)

4-307. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY. (1970 Code, § 1-1007, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 *Ch4_06-20-22*)

CHAPTER 4

NEPOTISM

SECTION

- 4-401. Applicability of chapter.
- 4-402. Standard operating policy.
- 4-403. Close relative defined.

4-401. Applicability of chapter. This chapter shall apply to all full-time and part-time municipal employees and officers operating under the jurisdiction of city council, whether jurisdiction is direct or indirect, including all agencies, commissions, departments and boards from and after its adoption. All municipal employees or officers as described herein employed at the time of adoption of this chapter shall be exempt from the provisions of this chapter. (1970 Code, § 1-1301)

4-402. Standard operating policy. It shall be the standard operating policy of the City of Rockwood and all its departments, agencies, commissions and boards that in no event shall applicants be approved for employment in, or shall individuals already in the employ of any such department, agency, commission or board be allowed to transfer to or remain in, positions in which "close relatives" would have either direct or indirect supervisory relationships. In no event shall applicants be approved for employment in a department, agency, commission or board in which "close relatives" are already employed, nor shall "close relatives" already in the employ of any department, agency, commission or board be allowed to transfer to a department, agency, commission or board in which "close relatives" are already employed. (1970 Code, § 1-1302)

4-403. Close relative defined. The term "close relative," for purposes of this chapter, shall be construed to mean: husband, wife, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, son-in-law, daughter-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, and step-child. (1970 Code, § 1-1303)

CHAPTER 5

CIVIL SERVICE BOARD¹

SECTION

- 4-501. Civil service board created.
- 4-502. Persons subject to civil service.
- 4-503. Appointments and promotions.
- 4-504. Functions and duties of the board; officers of the board and meetings of the board.
- 4-505. Induction of incumbents into civil service.
- 4-506. Qualification of applicants.
- 4-507. Tenure of office; grounds for demotion, suspension or discharge.
- 4-508. Removal of members from civil service.
- 4-509. Duty of city officers and employees to assist board.
- 4-510. Certification of names for vacancies; eligible lists; probationary employment.
- 4-511. Leave of absence without pay.
- 4-512. False marking, grading, etc., of examinations, etc., prohibited.
- 4-513. Political activities; religious and political discrimination prohibited.
- 4-514. Board may obtain assistance.
- 4-515. Compliance with chapter.
- 4-516. City to furnish board with accommodations and equipment; employment or clerical, administrative, etc., assistance.
- 4-517. Appropriations by city council; appointment of original board.
- 4-518. Organization of the original board.
- 4-519. Penalty for violation.
- 4-520. Vote to be taken.

4-501. Civil service board created. There is hereby created a system of civil service for the City of Rockwood. A civil service board, hereafter referred to as "the board" to consist of five members is hereby created to administer the said system of civil service. Two members of the board shall be elected by the governing body of the City of Rockwood; two members shall be elected by the employees of the classified service, in a joint election, and the persons receiving a majority of the votes of the employees of the classified service shall become the

¹Municipal code reference

The provisions of this chapter are identical to those contained in Priv. Acts 1997, ch. 32, which is included in this code beginning on page C-20, immediately following the city charter. Amendments to these provisions cannot be accomplished by ordinance. They must be made by private act properly passed by the Tennessee General Assembly.

two members of the board. The persons selected by the governing body of the City of Rockwood and the persons selected by a majority vote of the classified service shall then select one person within ten days after their appointment and selection and the person agreed upon by these four so appointed and selected shall constitute the fifth member of the board. Provided, that if the four members appointed and selected shall fail to agree within ten days after their appointment, then and in that event the governing body of the City of Rockwood shall appoint four citizens to meet and confer with four of the citizens appointed by the employees of the classified service. This joint committee of eight shall meet, within ten days, and appoint one person who shall constitute the fifth member of the board.

The five members thus appointed to the board shall serve as board members for a term as appointed, or until their successors are appointed and qualified. One four year term shall be selected by the governing body of the City of Rockwood. One four year term shall be elected by the employees of the classified service. One three year term shall be selected by the governing body of the City of Rockwood. One three year term shall be elected by the employees of the classified service. These four members shall then select one member for a two year term. However, if the four members fail to agree, then the same procedure for selecting the fifth member as set out in paragraph 1, shall be used for selection of the fifth member. On or before the expiration of the term of each board member, his successor shall be selected in the same manner as the prior selection of the said board member whose term thus expires, to the end that the successor to the member appointed by the town governing body shall likewise be appointed to said body, the successors to the member elected by the classified service shall likewise be elected by said classified service, and the successors to the member appointed by the two other board members shall likewise be appointed by the two other board members.

The members of this board shall receive for their services the sum of fifty dollars per month, to be paid out of the general fund of the City of Rockwood. No person shall be appointed a member of such board who is not a citizen of the United States, a resident of the City of Rockwood, Tennessee, for at least one year immediately preceding such appointment, and elector of Roane County. No city employee, elected officials of the City of Rockwood, or convicted felon, may be a member of the board.

Any member of the board may be removed from office by the governing body of the City of Rockwood for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the board shall be removed until charges shall have been preferred in writing, due notice and full public hearing had before governing body of the City of Rockwood; provided, further, that such removal shall be for a period of ten days, during which time any member so removed shall have the right of appeal to the chancery court of Roane County, Tennessee, which court shall thereupon proceed to hear and determine such appeal;

provided, however, that such hearing shall be confined to the determination of whether the order of removal made by the governing body of the City of Rockwood was or was not made in good faith for proper cause, and no appeal to such court shall be taken except upon such grounds, and the decision of such court shall be final.

The members of the board shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by the chapter. Three members of this board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the board under and by virtue of the provisions of the chapter. Provided, however, that due notice of all meetings shall be given so that all five board members may have an opportunity to be present. Provided, further, that the board shall transact no business and make no decisions until and except while all five board members shall have taken office and remain qualified to act. (Ord. #1008, March 1997)

4-502. Persons subject to civil service. The provisions of this chapter shall apply to all employee personnel working on a paid full time basis. Specifically, exempt employees shall be:

- (1) Department heads,
- (2) City recorder,
- (3) All elected officials and persons appointed to fill vacancies in elective offices,
- (4) The chief administrative officer--the mayor,
- (5) All members of appointive boards, commissions, or committees,
- (6) City attorney and assistant city attorneys,
- (7) Consultants, advisors and counsel rendering temporary professional service,
- (8) Independent contractors,
- (9) Emergency employees who are hired to meet the immediate requirements of an emergency condition such as extraordinary fire, flood, or earthquake which threatens life or property,
- (10) Seasonal employees who are employed by the city,
- (11) Persons rendering part-time service paid by the hour or day,
- (12) Volunteer personnel, such as volunteer firemen, and all other personnel appointed to serve without compensation, and

All persons as shown as covered shall be known as the classified service. All other city employees shall be known as the unclassified service. (Ord. #1008, March 1997)

4-503. Appointments and promotions. All future appointments to and promotions in said departments, except as otherwise provided in this chapter shall be made on the basis of seniority, fitness and efficiency, which shall be determined by the following method:

Subject to the other standards set forth in this chapter, the department heads shall meet with the board as soon after the enactment of this chapter as may be possible and shall give assistance to the board in drawing up minimum standards of mental ability, physical conditions, experience, education, personality, and specified training for each job classification in their respective departments. Such standards, when set, shall remain in effect until altered by action of the board. After the enunciation of said standards, a roster shall be kept by the board of all full time personnel in the classified service indicating what job classifications within their respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of said standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the vacancy shall be offered first to that member of the said branch qualified on the roster who shall have the greatest seniority and so on in descending order. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to the provisions of this chapter. (Ord. #1008, March 1997)

4-504. Functions and duties of the board; officers of the board; and meetings of the board. The board shall organize by forthwith electing one of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or reproduced for free public distribution.

(2) The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service if such person leaves the classified service to enter the military service of the United States, provided that such person returns to the classified service within six

months following his honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person.

(3) The board shall make investigations and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this chapter, and ascertain whether the ordinance and all such rules and regulations are being obeyed. Such investigations shall be made by the board on its own motion and must also be made on petition of any citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be a violation of this chapter and punishable as such. The board shall have the authority to refer any complaint, before or after investigation, to the department head for solution.

(4) All hearings and investigations before the board shall be governed by this chapter and by the rules of practice and procedure to be adopted by the board. The board, or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least three of the board members.

(5) To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishings of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this chapter as may be referred to the board.

(6) To prepare a standard schedule of pay and of hours based generally upon presently applicable salary rates and hours worked for each class of positions in the classified service. Such pay plan shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position. In increasing or decreasing items in budgets, the governing body of the City of Rockwood shall not increase or decrease any individual salary item, but shall act solely with respect to classes of positions as established in the classification and pay plan. In no event shall the said governing body reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the same. Provided, that nothing in this chapter shall limit the hours to be worked in event of riot, dangerous fire or other bona fide emergency.

(7) To see that the job classification, the standard for filling said classifications and the roster of eligible appointees for each classification are

kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order by reason of seniority established by continuous service in the respective departments. Terms of leaves of absence granted by the board hereby created upon recommendation of the head of each department shall not forfeit the rights of the member granted leave under this chapter nor be charged against such member in his order of seniority.

(8) To make provisions that men laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last person, or persons, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that persons so laid off shall be reinstated before any new appointments to said department shall be made.

(9) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.

(10) To keep such records as may be necessary for the proper administration of this chapter. (Ord. #1008, March 1997)

4-505. Induction of incumbents into civil service. All persons holding positions in the classified service, upon the effective date of this chapter, who shall have served in such position for a period of at least ninety days previous thereto, are hereby inducted into civil service in the office, position or employment which such persons respectively held at the time of the enactment of this chapter, subject, however, to removal, demotion, or suspension upon the same terms as any other person inducted permanently into civil service following the effective date of this chapter. (Ord. #1008, March 1997)

4-506. Qualification of applicants. (1) Citizenship. An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.

(2) Character and fitness. Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable. (Ord. #1008, March 1997)

4-507. Tenure of office; grounds for demotion, suspension or discharge. The tenure of everyone holding office, place, position, or employment under the provisions of this chapter shall be for and only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

(1) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or

any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder.

(2) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.

(3) Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service. (Ord. #1008, March 1997)

4-508. Removal of members from civil service. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under the provisions of this chapter shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the board. The department head may suspend an employee of the department pending the confirmation of the suspension by the regular appointing power under this chapter which must be within ten days. Any person so removed, suspended or discharged may within twenty days from the time of his removal, suspension or discharge file with the board a written demand for an investigation, whereupon the board shall conduct such investigation. The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the board may affirm the removal, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The board, in its discretion, in lieu of affirming or reversing the removal, suspension or discharge, may modify the order by direction a suspension without pay for a given period and subsequent restoration of duty, grade or pay; and the findings of the board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.

All investigations made by the board pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting his defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record made of all proceedings. From any order adverse to the accused, the latter may appeal to the chancery court of Roane County,

Tennessee. Such appeal shall be taken by serving the board, within ten days after the entry of such order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the board affecting or relating to such order be filed by the board in such court. The board shall within twenty days after the filing of such notice, make, certify and file such transcript with such court. The chancery court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the order of removal, discharge or suspension made by the board was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground, or grounds, and the decision of the court shall be final. (Ord. #1008, March, 1997)

4-509. Duty of city officers and employees to assist board. It shall be the duty of all officers and employees of the City of Rockwood to aid in all proper ways in carrying out the provisions of this chapter, and such rules and regulations as may, from time to time be prescribed by the board thereunder and to afford the board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board, and to attend and testify whenever required so to do by the board or any member thereof. (Ord. #1008, March 1997)

4-510. Certification of names for vacancies; eligible lists; probationary employment. Whenever a position in the classified service becomes vacant, the governing body of the City of Rockwood, or the board in charge of the separate departments, shall make requisition upon the board for the name and address of a person eligible for appointment thereof. The board shall certify the name of the person highest on the eligible list willing to accept employment, except in cases where the person who would be certified is not at the time of certification employed in the classified service, in which cases the board shall certify the two names highest on the appropriate list, and the governing body, or board, shall appoint one of the persons so certified.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the governing body, or board, shall forthwith appoint the person, or, in the proper case, from among the persons so certified, to said position.

The governing body, or board, of the city, as to department heads, and the chiefs of the respective departments with the approval of the governing body, or board, as to all other personnel shall, notwithstanding any other provisions of this chapter, upon proper certification by the board of the eligibility of an applicant for any position in the classified service, be empowered to appoint such person to said position for a period of six months, during which time such

applicant shall be on probation and subject to removal for just cause shown and any time during said six months period; or if the governing body, or board, of the City of Rockwood shall in its discretion deem such person on probation unfit and unsatisfactory for such position, then and in that event such person on probation may be dismissed or transferred to another classification on probation, without prejudice to such applicant. Whatever action may be taken by such governing body, or board, with respect to such applicant or probationer shall not be reviewable by the board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body, or board, the City of Rockwood then and in that event the board shall certify the name of the next person, or in the proper case persons, on the eligible list as the same shall appear from the records of the board. (Ord. #1008, March 1997)

4-511. Leave of absence without pay. Leave of absence, without pay, may be granted by the board upon the recommendation of the department head, and the board shall give notice of such leave of absence to the governing body, or board. All temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned. (Ord. #1008, March 1997)

4-512. False marking, grading, etc., of examinations, etc., prohibited. No board member or any other person shall, by himself/herself, or in cooperation with one or more persons, defeat or deceive any person in respect of his/her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered. (Ord. #1008, March 1997)

4-513. Political activities; religious and political discrimination prohibited. (1) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his political or religious opinions, but all employees must take an oath to support the Constitution of the United States.

(2) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(3) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.

(4) It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this chapter, and the rules made thereunder, and it shall be the duty of all persons under the provisions of this chapter to comply with such rules and to aid in their endorsement. (Ord. #1008, March 1997)

4-514. Board may obtain assistance. The board shall be authorized to employ such clerical or administrative help as is necessary in carrying out the duties assigned to it, and shall also be authorized to retain legal counsel and engage actuarial experts to the extent necessary in carrying out the functions assigned to the board. (Ord. #1008, March 1997)

4-515. Compliance with chapter. The failure on the part of the board, or any member thereof or on the part of the governing body, or board, of the City of Rockwood, or any member thereof, to comply with the terms of this chapter shall be considered a violation of this chapter and shall be punishable as such. (Ord. #1008, March 1997)

4-516. City to furnish board with accommodations and equipment; employment or clerical, administrative, etc., assistance. The governing body of the City of Rockwood shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board under the provision of § 4-514 of this chapter; and the failure on the part of the governing body to do so shall be considered a violation of the chapter and shall be punishable as such. (Ord. #1008, March 1997)

4-517. Appropriations by city council; appointment of original board. The governing body of the City of Rockwood shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this chapter, and shall make such appropriation. Within thirty days after the effective date of this chapter, it shall be the duty of the governing body of the City of Rockwood, subject to the provisions of this chapter, to appoint and create the board, as provided in § 4-501 hereof, and the failure upon the part of

the governing body, or any member of it to do so, shall be deemed a violation of this chapter and shall be punishable as such. (Ord. #1008, March 1997)

4-518. Organization of the original board. It shall be the duty of the board appointed subject to the provisions of this chapter to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this chapter and shall be punishable as such. (Ord. #1008, March 1997)

4-519. Penalty for violation. Any person who shall willfully violate any of the provisions of this chapter shall be deemed guilty of a civil offense, and upon conviction thereof, shall be punishable by a penalty under the general penalty clause of this code. (Ord. #1008, March 1997)

4-520. Vote to be taken. All departments of the City of Rockwood whether governed by the governing body, or separate board, shall cause a vote to be taken by the employees of each department after the first reading of the ordinance comprising this chapter, and each department receiving a majority vote in the affirmative shall adopt the ordinance comprising this chapter as its own and be recorded in the minutes of the governing body, or the board. Departments not receiving a majority of affirmative votes shall continue to operate under the rules or ordinance as previously established by the governing body or board.

The council shall request the mayor notify the boards that a vote be taken by employees to adopt or not adopt the ordinance comprising this chapter. This vote will be taken after the adoption of the first reading. Any governing body, or board, will continue to function organizationally as they are doing at the present time. (Ord. #1008, March 1997)

CHAPTER 6

HARASSMENT POLICY

SECTION

- 4-601. Sexual harassment and other forms of harassment.
- 4-602. Making harassment complaints.
- 4-603. Reporting and investigating of harassment complaints.
- 4-604. Response of department head.
- 4-605. Obligation of employee.
- 4-606. Workplace violence and harassment.
- 4-607. Objects used as weapons.
- 4-608. Reporting harassment.
- 4-609. Copies of reports will be turned over to governing body.

4-601. Sexual harassment and other forms of harassment. The definition of sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men and conduct by women toward women. Also prohibited under this policy is harassing conduct directed toward employees on the basis of race, sex, age, national origin, color, disability, religion, or in retaliation for involvement of any protected activity. Consequently, this policy applies to officers and employees of the City of Rockwood, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the Human Resources Manual or other regulations of the municipal government and employees working under contract for the municipality.

1. Definition Sexual harassment or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning, making either explicit or implied job threats or promises in return for submission to sexual favors; making inappropriate sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees or, on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting or unreasonably interferes with work performance practice and is absolutely prohibited by the municipal government.

2. Harassment based upon race, sex, national origin, color, disability, age, religion, or in harassment might include words, gestures, behaviors, or actions which diminish employees, makes the job environment hostile, affects employment decisions, and/or interferes with work performance. It is the intent of this policy to treat all complaints seriously and to utilize the same complaint processing procedure. (as added by Ord. #06-1087, Nov. 2005)

4-602. Making harassment complaints. The municipality may be held liable for the actions of all employees with regard to harassment and, therefore, will not tolerate the harassment of its employees. The city will take immediate, positive steps to stop it when it occurs. By law, the city is responsible for acts of harassment in the work place where the city (or its agents or supervisory employees) knows or reasonably should have known of the conduct, unless it can be shown that the city took immediate and appropriate corrective action. The municipality may also be responsible for the acts of non-employees, with respect to the harassment of employees in the work place, where the municipal government (or its agents or supervisory employees) knows or reasonably should have known of the conduct and failed to take immediate corrective action. Prevention is the best tool for the elimination of harassment. Therefore, the following rules shall be strictly enforced. An employee who feels that he/she is being subjected to harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor;
2. The employee's department head;
3. City recorder or city attorney;
4. The mayor.

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of harassment. Regardless of which of the above persons the employee makes a complaint of harassment, the employee should be prepared to provide the following information:

1. Official's or employee's name, department and position title;
2. The name of the person(s) committing the harassment, including their title(s), if known;
3. The specific nature of the harassment, how long it has gone on and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.), taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. Witnesses to the harassment;
5. Whether the employee has previously reported the harassment and, if so, when and to whom. (as added by Ord. #06-1087, Nov. 2005)

4-603. Reporting and investigating of harassment complaints. The recorder is the person designated by the municipal government to be the investigator of complaints of harassment against employees. In the event the harassment complaint is against the human resources director, the investigator shall be a municipal employee appointed by the city administrator. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the department head. (Note: If the

complaint is lodged against the department head, the city administrator will be the responsible official for reviewing these actions.) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress. Upon conclusion of the investigation, the investigator shall prepare a report of the findings to the department head. The report shall include the written statement of the person complaining of harassment, the written statement of witnesses, the written statement of the person against whom the complaint of harassment was made, all the investigator's notes connected to the investigation and a recommendation for disciplinary action, if any. (as added by Ord. #06-1087, Nov. 2005)

4-604. Response of department head. Upon receipt of a report of the investigation of a complaint of harassment, the department head shall immediately review the report. If the department head determines that the report is not complete in some respect, he/she may request additional statements be taken from the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment. Based upon the report and his/her own investigation, where one is made, the department head shall within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes harassment. In making that determination, the department head shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining. The determination of whether harassment occurred will be made on a case-by-case basis. If the department head determines that the complaint of harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of harassment, consistent with his authority under the municipal charter, ordinances or rules governing his authority to discipline employees. Disciplinary action for harassment shall be governed by the same rules governing disciplinary actions generally. See rule XII, section 7. The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors the board of mayor and aldermen believes relate to fair and efficient administration of the municipal government, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the municipality. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of

disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses or any other person connected with the investigation of the complaint of harassment. In cases where the harassment is committed by a non-employee against a municipal government employee in the work place, the city recorder shall take whatever lawful action against the non-employee is necessary to bring the harassment to an immediate end. (as added by Ord. #06-1087, Nov. 2005)

4-605. Obligation of employee. Employees are strongly encouraged to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but it is not necessarily limited to, coming forward with evidence, both favorable and unfavorable for a person accused of such conduct; fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of harassment. Disciplinary action may also be taken against any employee who fails or refuses to cooperate in the investigation of a complaint of harassment or who files a complaint of harassment in bad faith. (as added by Ord. #06-1087, Nov. 2005)

4-606. Workplace violence and harassment. It is the policy of the City of Rockwood to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the city's activities. The City of Rockwood will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

No employee or non-employee shall be allowed to harass any other employee, equal to, subordinate or superior in position, or non-employee by exhibiting behavior including, but not limited to, the following:

1. Verbal harassment. Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions (see also section 19, Harassment); verbal intimidation, exaggerated criticism or name-calling; spreading untrue and malicious gossip about others.

2. Physical harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

3. Visual harassment. Derogatory or offensive posters, cartoons, publications or drawings. (as added by Ord. #06-1087, Nov. 2005)

4-607. Objects use as weapons. Under no circumstances are the following items permitted on city property, including city-owned parking areas,

except when issued or sanctioned by the city for use in the performance of the employee's job:

1. All types of firearms, switchblade knives and knives with a blade longer than four inches;
2. Dangerous chemicals;
3. Explosives or blasting caps;
4. Chains; or
5. Other objects carried for the purposes of injury or intimidation. (as added by Ord. #06-1087, Nov. 2005)

4-608. Reporting harassment through chain of authority. Charges of violence and harassment may be reported to any supervisory employee of the city, including the city attorney, city recorder and the mayor. The recorder is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the city recorder may request that the police chief provide assistance to the recorder or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action. (as added by Ord. #06-1087, Nov. 2005)

4-609. Records of reports turned for appropriate action. Copies of the investigative report with recommendations for appropriate action will be turned over to the department head or city recorder as appropriate for further action. Disciplinary action up to, and including, termination may be taken against any employee who commits acts of workplace violence and harassment. (as added by Ord. #06-1087, Nov. 2005)

CHAPTER 7

BEREAVEMENT

SECTION

- 4-701. Application of chapter.
- 4-702. Definition of close relative.
- 4-703. Bereavement.
- 4-704. Bereavement pay.
- 4-705. Additional time off.

4-701. Application of chapter. This chapter shall apply to all regular, full-time employees of the City of Rockwood who have a close relative who dies. (as added by Ord. #11-69, March 2013)

4-702. Close relative. For the purposes of this chapter, the term, "close relative" shall be construed to mean: husband, wife, son, daughter, mother, father, brother, grandparent, brother-in-law, sister, sister-in-law, mother-in-law, son-in-law, daughter-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, and step-child. (as added by Ord. #11-69, March 2013, and amended by Ord. #11-72, June 2013)

4-703. Bereavement. Upon request, a regular, full-time employee who suffers the death of a close relative as defined above will be excused from work for any of the first three (3) consecutive calendar days immediately following the date of said close relative's death. All bereavement leave is granted provided the employee actually attends the close relative's funeral. (as added by Ord. #11-69, March 2013)

4-704. Bereavement pay. Bereavement pay is computed at the employee's regular shift hours multiplied by the employee's regular, straight-time hourly rate of pay. The regular shift hours for firefighters shall be sixteen (16) hours. The regular shift hours for all other employees shall be eight (8) hours. Employees will not receive bereavement pay for any day they were not scheduled to work. (as added by Ord. #11-69, March 2013)

4-705. Additional time off. If the employee requires additional time off, vacation, sick, leave, compensatory time or unpaid leave may be granted on a case-by-case basis by the employee's department manager. (as added by Ord. #11-69, March 2013)

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES GENERALLY.
3. WHOLESALE BEER TAX.
4. PURCHASING POLICY.
5. INTERNAL FINANCIAL CONTROLS POLICY.
6. CREDIT CARD POLICY.
7. DISPOSAL OF UNCLAIMED PROPERTY.

CHAPTER 1**REAL PROPERTY TAXES****SECTION**

- 5-101. When delinquent--penalty and interest.
5-102. Early tax payment merits discount.

5-101. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and

¹Charter reference: art. VII.

By Ord. #664, adopted April 11, 1968, and approved by the voters May 21, 1968, the city adopted a local sales tax. However, the city's only tax was superseded when Roane County adopted a county-wide sales tax February 4, 1969.

By Ord. #807, adopted August 4, 1980, the city attempted to levy an additional city only one-half (½) percent local sales tax but the voters failed to approve the ordinance at a referendum held on August 7, 1980.

²Charter and state law reference

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

interest as is authorized and prescribed by the state law for delinquent county real property taxes.¹ (1970 Code, § 6-101)

5-102. Early tax payment merits discount. (1) A discount of two percent (2%) of the ad valorem real property taxes currently due shall be given a taxpayer, if such taxes are paid within thirty (30) days of receipt of notice; and

(2) Nothing in this ordinance shall be deemed to require early payment by any mortgagee, mortgage servicer, or escrow account holder, nor shall any mortgagee, mortgage servicer, or escrow account holder be required to notify any mortgagor or other party with respect to the availability of any such discounts. (as added by Ord. #04-1070, July 2004, and replaced by Ord. #12-24, Nov. 2016, Ord. #12-49, Nov. 2018 **Ch3_6-18-19**, Ord. #12-62, Oct. 2019 **Ch4_06-20-22**, Ord. #12-71, Sept. 2020 **Ch4_06-20-22**, Ord. #12-80, Oct. 2021 **Ch4_06-20-22**, Ord. #12-88, Aug. 2022 **Ch5_01-27-25**, Ord. #12-94, Aug. 2023 **Ch5_01-27-25**, Ord. #13-06, Aug. 2024 **Ch5_01-27-25**)

¹Charter and state law references

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

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

CHAPTER 2

PRIVILEGE TAXES GENERALLY

SECTION

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the City of Rockwood at the rates and in the manner prescribed by the act. (1970 Code, § 6-301, modified)

5-202. License required. No person shall exercise any such privilege within the City of Rockwood without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. Violations of this section shall be punished under the general penalty provisions of this code of ordinances. (1970 Code, § 6-302, modified)

CHAPTER 3**WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

5-301. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the City of Rockwood of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1970 Code, § 6-401)

¹State 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 4

PURCHASING POLICY

SECTION

5-401. Public advertising and bidding required for purchases exceeding \$25,000.00.

5-402. Purchases and contracts of \$9,999.00 or less.

5-403. Purchases and contracts between \$10,000.00 and \$25,000.00.

5-404. Purchases and contracts to exceed \$25,000.00.

5-405. Emergency purchases.

5-401. Public advertising and bidding required for purchases exceeding \$25,000.00. Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of twenty-five thousand dollars (\$25,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983. (as added by Ord. #12-1149, Jan 2012, and replaced by Ord. #11-86, May 2014, and Ord. #12-95, Sept. 2023 *Ch5_01-27-25*)

5-402. Purchases and contracts of \$9,999.00 or less. All purchases and contracts of nine thousand ninety-nine dollars (\$9,999.00). or less may be procured by the appropriate city department head providing:

- (1) The funds have been appropriated in the annual line-item budget,
- (2) The purchase or contract is approved by the city administrator, city recorder, or city finance officer, and
- (3) A pre-numbered purchase order is utilized. (as added by Ord. #12-1149, Jan 2012, and replaced by Ord. #11-86, May 2014, and Ord. #12-95, Sept. 2023 *Ch5_01-27-25*)

5-403. Purchases and contracts between \$10,000.000 and \$25,000.00. For all purchases and contracts that are expected to cost between ten thousand dollars (\$10,000.00) and twenty-five thousand dollars (\$25,000.00) three (3) itemized estimates must be obtained from independent vendors or suppliers, and a majority vote of city council must approve the purchase or contract. (as added by Ord. #12-1149, Jan 2012, and replaced by Ord. #11-86, May 2014, and Ord. #12-95, Sept. 2023 *Ch5_01-27-25*)

5-404. Purchases and contracts to exceed \$25,000.00. All purchases and contracts expected to exceed twenty-five thousand dollars (\$25,000.00) must be approved by a majority vote of city council prior to the solicitation of bids. The request for bids must be publicly advertised. The bids must be received, opened and evaluated at a public meeting, and city council must approve and award the

purchase to the lowest qualified bidder. (as added by Ord. #11-86, May 2014 and replaced by Ord. #12-95, Sept. 2023 *Ch5_01-27-25*)

5-405. Emergency purchases. In the event of an emergency, the department head may purchase materials and equipment in an amount that does not exceed twenty-five thousand dollars (\$25,000.00) without obtaining three (3) estimates and without city council approval, provided that such purchase is approved by the mayor and that documentation and justification for the purchase is provided to the city council at the next regularly scheduled city council meeting. (as added by Ord. #11-86, May 2014 and replaced by Ord. #12-95, Sept. 2023 *Ch5_01-27-25*)

CHAPTER 5

INTERNAL FINANCIAL CONTROL POLICY¹

SECTION

- 5-501. Introduction.
- 5-502. Receipts and deposits of funds.
- 5-503. Check writing and disbursements.
- 5-504. Petty cash.
- 5-505. Conclusion.

5-501. Introduction. The City of Rockwood hereby adopts this internal financial controls policy to safeguard public funds and to provide clear instructions to city officers and employees as to how such funds should be processed and recorded. All city officers and employees handling city funds shall be subject to the requirements of this policy. This policy may be amended from time to time by the city council. (as added by Ord. #13-1160, Nov. 2012)

5-502. Receipts and deposits of funds. The city clerks(s) shall be responsible for opening all incoming mail and stamping "For Deposit Only" on all checks immediately upon receipt. These employees should also prepare a list of checks or payments and calculate the total amount of all money/checks received. In addition, any checks received without payment stubs, shall be receipted in duplicate. The list of payments received shall be signed by this employee and remitted along with the money/checks, stubs and receipts. All cash payments should be received by the city clerk(s) who shall be responsible for preparing a written receipt and duplicate for all such funds. A daily collection report should be prepared by each employee receiving any cash payments summarizing all collections by source.

Anytime custody of money changes from one (1) employee to another the money should be counted by both. A pre-numbered receipt or other document recording the count should be prepared and signed by both employees indicating concurrence with the amount transferred. This document should be retained by the individual turning the money over.

All deposits of cash, checks or other payments should be posted to the city's cash receipts journal by the finance director. The city clerk(s) shall be responsible for making sure deposits are made in a timely fashion. All efforts must be made to do daily deposits but NEVER any later than three (3) working days after initial receipt. Deposit receipts should also be retained and matched against the collection reports. (as added by Ord. #13-1160, Nov. 2012)

¹The Internal Financial Control Policy of Rockwood, and any amendments thereto, may be found in the recorder's office.

5-503. Check writing and disbursements. All persons with authority to write and sign checks on the behalf of the City of Rockwood shall be approved by resolution of the governing body of Rockwood. The finance director who is responsible for reconciling the bank statements shall not be authorized to sign checks.

Two (2) authorized signatures are required for all checks. Before signing checks, each signator should review the supporting documentation (such as vendor invoices, purchase authorizations, etc.) to verify that the expenditure is legitimate before the check is signed.

All debit/credit card statements should be reviewed by multiple persons, including by individuals independent of those who are authorized to use such cards, to ensure the legitimacy of the charges. All debit/credit card purchases shall be approved by the department head, the finance director and the city recorder. It shall further be reviewed by the check signers. So typically, every debit/credit card purchase is basically approved by five (5) persons. (as added by Ord. #13-1160, Nov. 2012)

5-504. Petty cash. The City of Rockwood does not keep petty cash for use. (as added by Ord. #13-1160, Nov. 2012)

5-505. Conclusion. All city employees are responsible for safeguarding public funds and the public trust. Any violations of this policy observed by any city employees shall be reported to the city recorder. Any employees found to have violated this policy may be disciplined up to and including termination. (as added by Ord. #13-1160, Nov. 2012)

CHAPTER 6

CREDIT CARD POLICY

SECTION

5-601. General.

5-602. Credit card audits and documentation of purchases.

5-603. Disputing a transaction.

5-604. Cardholder responsibility and purchasing guidelines.

5-605. Lost or stolen cards.

5-601. General. The City of Rockwood hereby adopts this credit card policy to safeguard public funds and to provide clear instructions to all employees that are authorized to use city credit/debit cards by the city recorder. For the purposes of this policy, all authorized officers and employees shall be referred to as "cardholders." This policy may be amended from time to time by the city council.

As a cardholder, the person assumes the responsibility for the protection and proper use of the card. Purchases with city credit cards must not conflict with the City of Rockwood Purchasing Policy. The card should only be used by the authorized and use of the card shall not be delegated to other persons. Cardholders are responsible for all charges on the cards authorized to them. Cards and card numbers must be safeguarded against unauthorized use.

All credit card transactions will be visible via secure internet reporting tools and all cardholders' purchasing activity will be monitored by the finance department and reviewed by the city auditors. Credit cards are not intended to be used for normal, recurring expenses associated with normal department operations. Business accounts should be set up for recurring activities. Receipts for all purchases by credit card shall be forwarded to the city recorder and/or the finance director.

It is the goal of the City of Rockwood to have all transactions sales tax exempt, when applicable. It is the cardholder's responsibility to notify the supplier, at the time of the transaction, if it will be exempt from sales tax.

The following situations are examples of misuse of the card:

- (1) Purchases for personal benefit of the cardholder or another employee;
- (2) Assignment or transfer of an individual card to another person;
- (3) Use of the card by an unauthorized employee;
- (4) Use of a card by a suspended or terminated employee;
- (5) Purchases that are not for legitimate City of Rockwood and public purposes;
- (6) Purchases in violation of the City of Rockwood Purchasing Policy;
- (7) Splitting a purchase to avoid a single-purchase limitation;

(8) Use of the card for commodities, goods, or services at vendors with City of Rockwood accounts; and

(9) Lack of proper and timely submission of all purchase receipts.

Any violations of this policy may subject to the employee to discipline, including termination. (as added by Ord. #13-1160, Nov. 2012)

5-602. Credit card audits and documentation of purchases. The City of Rockwood's Finance Director, auditor and/or state auditors will make periodic audits to verify that commodities, goods, and services purchased have been received and that policies and procedures are being followed. Adequate documentation must be maintained to record all transactions at the source. If a receipt is lost, a missing receipt affidavit must be filled out by the cardholder. (as added by Ord. #13-1160, Nov. 2012)

5-603. Disputing a transaction. If the cardholder believes a transaction is disputable, immediately notify your department head, the city recorder and the finance director of the disputed charge. The cardholder must agree to cooperate fully in dealing with the credit card company for all disputed purchases. (as added by Ord. #13-1160, Nov. 2012)

5-604. Cardholder responsibility and purchasing guidelines. It is important to remember that when using the card, the cardholder is expending taxpayer funds and that all credit card purchases must comply with City of Rockwood policies, including this policy, the purchasing policy and the internal financial controls policy. All expenditures are held to the highest degree of trust and accountability.

Cardholder privileges and procedures are contingent upon the following:

(1) You must obtain and preserve ALL receipts. Turn in all receipts to the city recorder or finance director immediately after use. Failure to produce adequate legible receipts will be subject to strict scrutiny by the finance department and city auditors. Proper forms of transaction documentation include an invoice with detail of items purchased, cash register receipt with detail of items purchased, sales slip with detail of items purchased, or handwritten receipt signed by an employee of the supplier/merchant that includes detail of items purchased. In the event a receipt is lost, you must submit a "missing receipt affidavit" in lieu of the receipt.

(2) If a cardholder fails to turn in a receipt, he/she must sign the document set forth on the following page of these policies.¹ Multiple failures to provide receipts may result in cancellation of the card and other disciplinary action.

¹The missing receipt affidavit appears at the end of this chapter.

(3) Cash back, cash refunds or rebates may not be received by the cardholder.

(4) Splitting of transactions is not allowable (making one (1) purchase into two (2) or more for the purpose of staying within your limits). (as added by Ord. #13-1160, Nov. 2012)

5-605. Lost or stolen cards. In the event of a lost, stolen or, mutilated card, cardholders should immediately notify the finance director and the city recorder. Please protect your card by keeping it in a safe place and away from other "magnetized" stripe cards. (as added by Ord. #13-1160, Nov. 2012)

MISSING RECEIPT AFFIDAVIT

I, _____ have either misplaced or not received a receipt for a card purchase.

This form is submitted in lieu of the original receipt.

Vendor Name: _____

Transaction Date: _____ Amount: \$ _____

Items Purchased: _____



I certify that the goods shown above were purchased for the City of Rockwood's operating purposes as outlined in the policies and procedures for card use.

Cardholder signature: _____ Date _____

Department Head _____ Date: _____

CHAPTER 7

DISPOSAL OF UNCLAIMED PROPERTY

SECTION

5-701. Sale or disposal of surplus property.

5-702. Unclaimed property.

5-701. Sale or disposal of surplus property. (1) The city administrator shall be responsible for the sale and disposal of all surplus personal property. The sale or disposal of any single item for an amount in excess of ten thousand dollars (\$10,000.00) shall be approved by city council.

(2) Real property owned by the city shall be sold or disposed of only with the approval of city council.

(3) Permissible methods to sell or dispose of surplus city property shall include, but are not limited to:

(a) Public auction;

(b) Solicitation of written bids;

(c) Negotiated sale to one (1) or more designated buyers;

(d) Transfer to another governmental entity or agency at or below reasonable market value; or

(e) Lease or loan. (as added by Ord. #12-63, Nov. 2019 *Ch4_06-20-22*)

5-702. Unclaimed property. (1) All personal property held for the owner by the city or any department thereof that has remained unclaimed by the owner for more than one (1) year is presumed abandoned.

(2) In the event that unclaimed personal property is not the type that would be accepted by the state treasurer in accordance with the Uniform Disposition of Unclaimed Property Act, Tennessee Code Annotated, § 66-29-101, et seq., then, in the discretion of the city administrator, the property may be:

(a) Disposed of in the same manner as provided for the sale of surplus property in § 5-701, above;

(b) Retained for use by the city; or

(c) Destroyed if the city administrator determines that the property is contraband, dangerous or of negligible value.

(3) Personal property which has been found by a citizen and deposited with the city or any department thereof may be returned to the finder if the property is not claimed by the owner within one (1) year after its receipt by the city.

(4) The city administrator may establish reasonable rates to be charged for the city's storage of personal property. (as added by Ord. #12-63, Nov. 2019 *Ch4_06-20-22*)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.
2. CHIEF INVESTIGATOR.
3. ARREST PROCEDURES.
4. CITATIONS, WARRANTS, AND SUMMONSES.
5. FALSE ALARM.

CHAPTER 1

POLICE DEPARTMENT

SECTION

- 6-101. Policemen subject to chief's orders.
6-102. Policemen to preserve law and order, etc.
6-103. 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.

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

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

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department.
- (4) Any other records required to be kept by the board of mayor and council members or by law.

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

CHAPTER 2

CHIEF INVESTIGATOR

SECTION

6-201. Chief investigator position created and authorized.

6-202. Duties.

6-203. Compensation.

6-204. Term of office.

6-201. Chief investigator position created and authorized. There is hereby created and authorized, the position of chief investigator which shall be filled as provided for under civil service plan. (Ord. #1009, April 1997)

6-202. Duties. The chief investigator shall have identical police powers as other police officers of the city, but shall work independently of the department of safety, and shall be directly answerable to the chief of police. (Ord. #1009, April 1997, modified)

6-203. Compensation. The chief investigator shall be compensated in the same name as other employees under the civil service plan. (Ord. #1009, April 1997)

6-204. Term of office. The chief investigator shall serve with all the rights, benefits and privileges, as granted under the civil service ordinance of the City of Rockwood, and in the event the chief investigator's office is abolished, he/she shall have seniority rights in the police department. The present chief investigator shall continue employment subject to the provisions of this chapter. (Ord. #1009, April 1997)

CHAPTER 3

ARREST PROCEDURES

SECTION

6-301. When policemen to make arrests.

6-302. Disposition of persons arrested.

6-301. When policemen to make arrests.¹ 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 probable cause to believe the person has committed it.

6-302. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

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

¹Municipal code reference

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

CHAPTER 4

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

6-401. Citations in lieu of arrest in non-traffic cases.

6-402. Summonses in lieu of arrest.

6-403. Failure to appear.

6-401. Citations in lieu of arrest in non-traffic cases.¹ Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of mayor and aldermen appoints the building code and fire inspector as special police officer having the authority to issue citations in lieu of arrest. The building code and fire inspector shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 and for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

6-402. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201, et seq., which authorizes the board of mayor and aldermen to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the animal control officer in the animal control department to issue ordinance summonses in those areas. This enforcement officer may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

¹Municipal code reference

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

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-401 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.

6-403. Failure to appear. (1) It is unlawful for any person to knowingly fail to appear as directed by a lawful authority if the person:

(a) Has been issued a citation to appear in municipal court in lieu of arrest in a non-traffic case pursuant to § 6-401 of the Rockwood Municipal Code;

(b) Has been issued a citation in lieu of arrest in a traffic case pursuant to title 15, chapter 7 of the Rockwood Municipal Code;

(c) Has been issued a summons in lieu of arrest pursuant to § 6-402 of the Rockwood Municipal Code; or

(d) Knowingly goes into hiding to avoid prosecution or court appearance.

(2) It is a defense to prosecution under this section if the person had a reasonable excuse for failure to appear at the specified time and place.

(3) Nothing in this section shall apply to witnesses.

(4) For each person who violates this section of the Rockwood Municipal Code, the Rockwood Municipal Judge shall impose a fine of not to exceed fifty dollars (\$50.00). (as added by Ord. #11-64, Jan. 2013)

CHAPTER 5

FALSE ALARM

SECTION

- 6-501. Definitions.
- 6-502. Alarm permit.
- 6-503. Duties of the alarm user.
- 6-504. Duties of the alarm company.
- 6-505. Prohibited acts.
- 6-506. Enforcement of provisions.
- 6-507. Alarm user awareness class.
- 6-508. Citation to city court.
- 6-509. Confidentiality.
- 6-510. Government immunity.

6-501. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

(1) "Alarm administrator" means a person or persons designated by the city to administer, control and review false alarm reduction efforts, and administer the provisions of this ordinance.

(2) "Alarm company" means a person subject to the state licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with state laws.

(3) "Alarm signal" means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement and/or fire service are requested to respond.

(4) "Alarm system" means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement and/or fire service is requested to respond, but does not include motor vehicle or boat alarms, dedicated/stand-alone fire alarm systems, domestic violence alarms, or alarms designed to elicit a medical response.

(5) "Alarm user" means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

(6) "Alarm user awareness class" means a class conducted for the purpose of educating alarm users about the responsible use, operation and maintenance of alarm systems, and the problems created by false alarms.

(7) "Automatic dial protection device" means an automatic dialing device or an automatic telephone dialing alarm system and shall include any

system which; upon being activated, automatically initiates to the Rockwood Police Department or Rockwood Fire Department a recorded message or code signal indicating a need for law enforcement response.

(8) "Cancellation" means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Rockwood Police Department or Rockwood Fire Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police or fire personnel arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

(9) "City" means the City of Rockwood or its agent.

(10) "False alarm" means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Rockwood Police Department and/or Rockwood Fire Department, evidence indicates that there was no unauthorized entry, robbery, crime, smoke, excessive heat, or water flow which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm, which can reasonably be determined to have been caused or activated by unusually violent conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user or circumstances indicating a real emergency.

(11) "Local alarm" means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

(12) "SIA Control Panel Standard CP-01" means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms: Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel standard features for false alarm reduction."

(13) "Verify" means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first

attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

In case of a fire alarm, the Rockwood Fire Department will respond without telephone verification. After the occurrence, fire department personnel will determine if the incident is classified a false alarm. (as added by Ord. #11-79, Feb. 2014)

6-502. Alarm permit. (1) Permit required. No person shall use an alarm system without first obtaining a permit for such alarm system from the city. A fee may be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement or fire department dispatch. There shall be a grace period of six (6) months following the passage of this ordinance during which no penalty will be assessed for failure to register.

(2) Application. The permit shall be requested on an application form provided by the city. An alarm user has the duty to obtain an application from the city.

(3) Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferable.

(4) Reporting updated information. Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the city within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the city a form requesting updated information. The permit holder shall complete and return this form to the city when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(4) Multiple alarm systems. If an alarm user has one (1) or more alarm systems protecting two (2) or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant. (as added by Ord. #11-79, Feb. 2014)

6-503. Duties of the alarm user. (1) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.

(2) Provide the alarm company all of the proper information necessary to ensure correct dispatch.

(3) Must respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Rockwood Police Department or Rockwood Fire Department to deactivate an alarm system.

(4) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider. (as added by Ord. #11-79, Feb. 2014)

6-504. Duties of the alarm company. (1) Any person engaged in the alarm business in the city/county, shall comply with the following:

(a) Obtain and maintain any required license(s).

(b) Be able to provide name, address, and telephone number of the alarm user or a designee, who can be called in an emergency, twenty-four (24) hours a day; and be able to respond to an alarm call, when notified, within two (2) hours.

(c) Be able to provide the most current contact information for the alarm user.

(2) Alarm installation companies are encouraged to use only alarm control panel(s) which meets SIA Control Panel Standard CP-01 on all new and upgraded installations.

(3) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

(4) Provide written information of how to obtain service from the alarm company for the alarm system.

(5) An alarm company performing monitoring services shall:

(a) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress or fire has been verified by video and/or audible means.

(b) Provide alarm user information to the communications center to facilitate dispatch and/or cancellations.

(c) Communicate any available information about the alarm.

(d) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary. (as added by Ord. #11-79, Feb. 2014)

6-505. Prohibited acts. (1) It shall be unlawful to activate an alarm system for the purpose of summoning emergency personnel when no burglary, robbery, fire, or other crime or emergency dangerous to life or property is being committed or attempted or occurring on the premises, or otherwise to cause a false alarm.

(2) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than ten (10) minutes, except for those audible alarms used in conjunction with dedicated/stand-alone fire alarm systems.

(3) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Rockwood Police Department or Rockwood Fire Department. (as added by Ord. #11-79, Feb. 2014)

6-506. Enforcement of provisions. (1) Excessive false alarms. It is hereby found and determined that three (3) or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:

Three to five false alarms	\$25.00 each
Sixth or subsequent false alarms	\$50.00 each
Failure to register and obtain permit	\$25.00

(2) Other civil penalty(ies). Violations will be enforced through the assessment of civil penalty(ies) in the amount of twenty-five dollars (\$25.00) per violation.

(3) Payment of civil penalty(ies). Civil penalty(ies) shall be paid within (30) days from the date of the invoice. Failure to pay the civil penalties by the due date will result in a ten dollar (\$10.00) late payment fee. If balance is not paid in full within sixty (60) days, the alarm user will be cited into Rockwood City Court.

(4) Civil non-criminal violation. A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

(5) Costs of Responses to excessive false alarms. For the third and subsequent false alarms, the city may assess the cost of each response to a false alarm to the alarm user for whom the response was made. This is not a civil penalty.

(6) Funds derived from penalties and permit fees. Penalties assessed as a result of this ordinance and those received for the issuance of a permit shall be paid into the fund of the Rockwood Police Department for administering the alarm program. With these funds the city shall defray all expenses in connection with the enforcement of this ordinance that are not recoverable as costs as explained in subsection (5) above. (as added by Ord. #11-79, Feb. 2014)

6-507. Alarm user awareness class. Alarm user awareness class. The city may create and implement an alarm user awareness class and may request the assistance of the area alarm companies to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false

alarms. The city may grant the option of attending a class in lieu of paying one (1) assessed fine. (as added by Ord. #11-79, Feb. 2014)

6-508. Citation to city court. (1) Process. Failure to pay any of the aforesaid penalties will result in the alarm user being cited into Rockwood City Court. The city court judge's decision is subject to review in the circuit court by proceedings in the nature of a trial de novo.

(2) Review standard. The city court judge shall review the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing city court judge shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted. (as added by Ord. #11-79, Feb. 2014)

6-509. Confidentiality. In the interest of public safety, all information contained in and gathered through the alarm response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the city. (as added by Ord. #11-79, Feb. 2014)

6-510. Government immunity. Nothing found in this ordinance is intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. The alarm user acknowledges that the Rockwood Police Department or the Rockwood Fire Department response may be influenced by factors such as: the availability of police/fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history. (as added by Ord. #11-79, Feb. 2014)

TITLE 7**FIRE PROTECTION AND FIREWORKS**¹**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT
4. ON-CALL PART-TIME FIREFIGHTERS.
5. FIRE SERVICE OUTSIDE CITY LIMITS.
6. FIREWORKS.

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 the corner of Wilder Avenue and Wheeler Street, then East on Wheeler Street to the corner of Wheeler Street and Gateway Avenue, then South on Gateway Avenue to the corner of Gateway Avenue and Rathburn Street; then West on Rathburn Street to the corner of Rathburn Street and Wilder Avenue; then North on Wilder Avenue to the corner of Wilder Avenue and Wheeler Street, the point of beginning. (1970 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Modifications.
- 7-204. Available in recorder's office.
- 7-205. Definition of "municipality."
- 7-206. Storage of explosives, flammable liquids, etc.
- 7-207. Gasoline trucks.
- 7-208. Location of gasoline pumps and tanks, etc.
- 7-209. Obstructions around fire hydrants.
- 7-210. Variances.
- 7-211. Violations and penalties.

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating exits, egress capacity, stairways, fire escapes, travel distances to egress, and special locking arrangements in places of assembly occupancies in any building or structure, the International Fire Code,² 2018 edition, including all appendixes and subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of the Rockwood Municipal Code as fully as if copied verbatim, and is hereby referred to as the fire code for the City of Rockwood, in the State of Tennessee.

All references to International Fire Code, 2012 edition, or to any other fire code, and all other ordinances of the City of Rockwood are hereby amended to refer to International Fire Code, 2018 edition, only. (1970 Code, § 7-201, modified, as replaced by Ord. #11-68, April 2013, Ord. #12-28, Feb. 2017, and Ord. #12-56, Feb. 2019 *Ch3_6-18-19*)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the building code and fire inspector. (1970 Code, § 7-202, modified, as replaced by Ord. #11-68, April 2013)

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

7-203. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "Building Official" are used in the fire code, they shall refer to the person designated by the board of mayor and council to enforce the provisions of the fire code. (1970 Code, § 7-203, as replaced by Ord. #11-1135, Oct. 2010 and Ord. #11-68, April 2013)

7-204. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 7-204, as replaced by Ord. #11-68, April 2013)

7-205. 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 Rockwood, Tennessee. (1970 Code, § 7-205, as replaced by Ord. #11-68, April 2013)

7-206. Storage of explosives, flammable liquids, etc. (1) The limits referred to in the fire code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

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

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

(4) The limits referred to in the fire code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1970 Code, § 7-206, as replaced by Ord. #11-68, April 2013)

7-207. 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. (1970 Code, § 7-207, as replaced by Ord. #11-68, April 2013)

7-208. Location of gasoline pumps and tanks, etc. It shall be unlawful for any person to erect, install, maintain, use or operate within, upon, or under any street, sidewalk, or public right of way within the city any tank, pump, pipe line or other apparatus, equipment, or machinery for the sale, distribution, or storage of gasoline, kerosene, lubricating oil, or any other volatile or inflammable liquid. (as replaced by Ord. #11-68, April 2013)

7-209. Obstructions around fire hydrants. It shall be unlawful for any person to erect or maintain any sign or other obstruction of any kind or character within ten feet (10') of any fire hydrant. (as replaced by Ord. #11-68, April 2013)

7-210. Variances. The building code and fire inspector may recommend to the board of mayor and aldermen 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 board of mayor and aldermen. (as replaced by Ord. #11-68, April 2013)

7-211. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire 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 council of the municipality or by a court of competent jurisdiction, within the time fixed herein. Each day a violation is allowed to continue shall constitute a separate offense. 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. (as added by Ord. #11-68, April 2013)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Chief responsible for training and maintenance.

7-306. Chief to be assistant to state officer.

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

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

(1) To prevent uncontrolled fires from starting.

(2) To prevent the loss of life and property because of fires.

(3) To confine fires to their places of origin.

(4) To extinguish uncontrolled fires.

(5) To prevent loss of life from asphyxiation or drowning.

(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the city council.

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

¹Municipal code reference

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

7-305. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city council.

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

CHAPTER 4

ON-CALL PART-TIME FIREFIGHTERS¹

SECTION

- 7-401. Establishment, equipment, and membership.
- 7-402. Objectives.
- 7-403. Organization, rules, and regulations.
- 7-404. Tenure of members.

7-401. Establishment, equipment, and membership. This is hereby established an on-call part-time firefighters section of the regular full-time Rockwood Fire Department to be supported and equipped from appropriations by the city council. The on-call part-time firefighters would respond as called upon by the fire chief or his representative. (1970 Code, § 7-301, as replaced by Ord. #05-1074, Dec. 2004)

7-402. Objectives. The on-call firefighters shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property in case a fire does start.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires. (1970 Code, § 7-302, as replaced by Ord. #05-1074, Dec. 2004)

7-403. Organization, rules, and regulations. The fire chief shall set up the organization of the Rockwood Fire Department to enhance the capabilities of the regular fire department and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the on-call part-time firefighters.² (1970 Code, § 7-303, as replaced by Ord. #05-1074, Dec. 2004)

7-404. Tenure of members. The fire chief shall be responsible to the Rockwood City Council for the conduct and efficiency of the on-call part-time firefighters. The fire chief shall have the authority to discharge any member upon recommendation or consent of the mayor. (1970 Code, § 7-305, as replaced by Ord. #05-1074, Dec. 2004)

¹Municipal code reference

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

²Standard operating procedures and application form are available in the city recorder's office.

CHAPTER 5

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-501. Restrictions on fire service outside city limits.

7-501. Restrictions on fire service outside city limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the city council has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:

(1) The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated, § 58-2-601, et seq.¹

¹State law references

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

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

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

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

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at

(continued...)

- (2) Tennessee Code Annotated, § 12-9-101, et seq.¹
 (3) Tennessee Code Annotated, § 6-54-601.²

(...continued)

the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

¹State law reference

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

²State law reference

Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with industrial fire departments, to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their city limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

CHAPTER 6

FIREWORKS

SECTION

- 7-601. Definition.
- 7-602. Manufacture, sale, and discharge of fireworks.
- 7-603. Bond for fireworks display required.
- 7-604. Disposal of unfired fireworks.
- 7-605. Exceptions.
- 7-606. Seizure of fireworks.

7-601. Definition. "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for use of such caps, the sale and use of which shall be permitted at all times. (1970 Code, § 7-401)

7-602. Manufacture, sale and discharge of fireworks.

- (1) The manufacture of fireworks is prohibited within the city.
- (2) It shall be lawful to store, offer for sale, expose for sale, and sell at retail, fireworks, (as defined in § 7-601 definition), under the following conditions:
 - (a) The vendor shall possess and provide copies of any and all required federal and state permits and licenses prior to obtaining a city permit;
 - (b) The vendor shall possess or obtain a city business license;
 - (c) If the vendor is a "transient vendor," as defined in Tennessee Code Annotated, § 67-4-702 (any person who brings into temporary premises and exhibits stocks or merchandise to the public.....premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months) (Tennessee Code Annotated, § 67-4-702), said transient vendor shall pay a tax of fifty dollars (\$50.00) for each fourteen (14) day period of operation, for each site;

(d) All vendors shall apply for and obtain an annual "fireworks vending permit" in the amount of five hundred dollars (\$500.00) for each site;

(e) All fees and taxes are payable in advance;

(f) The recorder may waive the fee for the "fireworks vending permit" if the vendor satisfies the city that he is a non-transient vendor.

The recorder shall have power to grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chief of the fire department of the city, and shall be of such a character, and be so located, discharged, or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or dangerous to any person.

(3) Applications for permits shall be made in writing in advance of the date of the display. After such privilege shall have been granted, the sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1970 Code, § 7-402, as amended by Ord. #04-1071, Aug. 2004)

7-603. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the recorder for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (1970 Code, § 7-403)

7-604. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1970 Code, § 7-404)

7-605. Exceptions. Nothing in this chapter shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of the city; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1970 Code, § 7-405)

7-606. Seizure of fireworks. Policemen and firemen shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1970 Code, § 7-406)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. LIQUOR STORES.
3. BEER.

CHAPTER 1²

INTOXICATING LIQUORS

SECTION

- 8-101. Definitions of "alcoholic beverages."
 8-102. Consumption of alcoholic beverages on premises.
 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
 8-104. Annual privilege tax to be paid to the city clerk.
 8-105. Concurrent sales of liquor by the drink and beer.
 8-106. Zoning and distance requirements.

8-101. Definitions of "alcoholic beverages." As used in this chapter, unless the context indicates otherwise, "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent (5%) by weight or less. Products or beverages including beer containing less than one-half percent (1/2%) alcohol by volume, other than wine as defined by this chapter, shall not be considered alcoholic beverages and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided. Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (1970 Code, § 2-101, as replaced by Ord. #09-1115, Dec. 2008)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be

¹State law reference

Tennessee Code Annotated, title 57.

²Municipal code references:

Driving under the influence: § 15-104.

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

applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Rockwood, Tennessee. It is the intent of the city council that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Rockwood, Tennessee the same as if said code sections were copied herein verbatim. (as added by Ord. #09-1115, Dec. 2008)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Rockwood General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Rockwood alcoholic beverages for consumption on the premises where sold. (as added by Ord. #09-1115, Dec. 2008)

8-104. Annual privilege tax to be paid to the city clerk. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Rockwood shall remit annually to the city clerk the appropriate tax described in § 8-103 hereof. Such payment shall be remitted within thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #09-1115, Dec. 2008)

8-105. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Rockwood, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, not withstanding any other provision contained in the Rockwood City Code, qualify to receive a beer permit from the city. (as added by Ord. #09-1115, Dec. 2008)

8-106. Zoning and distance requirements. On-premises consumption is permitted only in C-1 Commercial: Central Business, or C-2 Commercial: General Business Zoning Districts, as depicted on the Official Zoning Map of the City of Rockwood¹ on the date of application. No distance requirements apply as

¹The Rockwood Zoning Map (and amendments) is available in the office
(continued...)

to churches or schools in C-1 or C-2 Zones. (as added by Ord. #10-1128, Dec. 2009)

¹(...continued)
of the recorder.

CHAPTER 2

LIQUOR STORES

SECTION

- 8-201. Definition of alcoholic beverages.
- 8-202. Selling and distributing generally.
- 8-203. State laws to be complied with.
- 8-204. Incorporation of state law.
- 8-205. Licenses required for sale of alcoholic beverages at retail.
- 8-206. License responsible for officers and agents.
- 8-207. Maximum number of licenses authorized.
- 8-208. Location restrictions.
- 8-209. Limitations on building containing liquor store.
- 8-210. Restrictions generally.
- 8-211. Fees.
- 8-212. Records kept by licensee.
- 8-213. Inspections generally.
- 8-214. Certificate of compliance.
- 8-215. Application.
- 8-216. Consideration of application for certificate of compliance.
- 8-217. Restrictions upon issuance of certificate of compliance.
- 8-218. Local liquor store privilege license from city to operate liquor store.
- 8-219. Restrictions on local liquor store privilege licenses.
- 8-220. Restrictions upon licensees and employees.
- 8-221. Nature of license; suspension or revocation.
- 8-222. Violations--penalties.
- 8-223. Selection of liquor store applicants.

8-201. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise:

(1) "Applicant" means a person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

(2) "Applicant group" means more than one (1) person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(3) "Application" means the form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

(4) "Alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being other than medicine or beer where the latter

contains an alcohol content of five percent (5%) by weight or less. Products or beverages including beer containing less than one-half percent (1/2%) alcohol by volume, other than wine as defined by this chapter, shall not be considered alcoholic beverages and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(5) "Certificate of compliance" means the certificate required in Tennessee Code Annotated, § 57-3-208, as the same maybe amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(6) "City" means the City of Rockwood, Tennessee.

(7) "City council" means the governing body of the City of Rockwood.

(8) "Co-licensees" means the persons who together hold a single local liquor store privilege license for a single liquor store.

(9) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.

(10) "Federal statutes" means the statutes of the United States now in effect or as they may hereafter be changed.

(11) "Inspection fee" means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross sales of a licensee at a liquor store. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(12) "Licensee" means the holder or holders of a local liquor store privilege license. In the event of co-licensees each person who receives a certificate of compliance and local liquor store privilege license shall be a licensee subject to the rules and regulations herein.

(13) "License fee" means the annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one (1) license fee is required.

(14) "Liquor store" means the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(15) "Local liquor store privilege license" means a local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license. One (1) local liquor store privilege license is necessary for each liquor store to be operated in the city.

(16) "Manufactured" means a structure, transportable in one (1) or more sections, and which is built on a permanent chassis with or without permanent foundation.

(17) "Person" means any natural person as well as any corporation, limited liability company, partnership, firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(18) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter.

(19) "Retail sale" means a sale to a consumer or to any person for any purpose other than for resale.

(20) "State law, rules and regulations" means all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereafter be changed including, without limitation, the Local Option Liquor Rules and Regulations of the Tennessee Alcoholic Beverage Commission.

(21) "State liquor retailer's license" means a license issued by the Alcoholic Beverage Commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201, et seq., permitting its holder to sell alcoholic beverages at retail in Tennessee.

(22) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(23) "Wine" means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes or other fruit, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume: words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (1970 Code, § 2-201, as replaced by Ord. #09-1115, Dec. 2008)

8-202. Selling and distributing generally. It shall be unlawful for any person to engage in the business of selling, possessing or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57 and by the rules and regulations promulgated thereunder and as provided under this chapter. Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (1970 Code, § 2-202, as replaced by Ord. #09-1115, Dec. 2008)

8-203. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained. (1970 Code, § 2-203, as replaced by Ord. #09-1115, Dec. 2008)

8-204. Incorporation of state law. Tennessee Code Annotated, title 57, chapter 3 is hereby adopted so as to be applicable to all sales of alcoholic

beverages conducted within the corporate limits of the City of Rockwood. It is the intent of the city council that Tennessee Code Annotated, title 57, chapter 3 shall be effective in Rockwood, Tennessee the same as if said code sections were copied herein verbatim. (1970 Code, § 2-204, as replaced by Ord. #09-1115, Dec. 2008)

8-205. Licenses required for sale of alcoholic beverages at retail. It shall be lawful for a licensee to sell alcoholic beverages at retail in a liquor store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter, and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting him or her to sell alcoholic beverages at retail transfer of ownership or possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited. (1970 Code, § 2-205, as replaced by Ord. #09-1115, Dec. 2008)

8-206. Licensee responsible for officers and agents. Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (1970 Code, § 2-206, as replaced by Ord. #09-1115, Dec. 2008)

8-207. Maximum number of licenses authorized. There shall be a limit of two (2) local liquor retailers' licenses for the sale of alcoholic beverages at liquor stores within the City of Rockwood. (1970 Code, § 2-207, as replaced by Ord. #09-1115, Dec. 2008)

8-208. Location restrictions. It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Rockwood unless at a location approved by the city. All such stores shall be located within the C-1 Commercial: Central Business, or C-2 Commercial: General Business Zoning Districts as depicted on the Official Zoning Map of the City of Rockwood on the date of application. No distance requirements apply as to churches or schools in C-1 or C-2 Zones. (1970 Code, § 2-208, as replaced by Ord. #09-1115, Dec. 2008, and Ord. #10-1128, Dec, 2009)

8-209. Limitations on building containing liquor store. All liquor stores shall be a permanent type of construction in a material and design approved by city council. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night lights surrounding the outside of the premises and shall be equipped with

a functioning burglar alarm-system on the inside of the premises. The minimum square footage of the liquor store display area, not including storage area, shall be a minimum of one thousand five hundred (1,500) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and, to the extent practical; to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, building, and city land development regulations unless specifically stated otherwise herein. No liquor store shall be located within five hundred feet (500') of any other liquor store in the City of Rockwood. The distance shall be measured in a straight line from the nearest point of the building upon which sits the building from which the alcoholic beverage will be sold, manufactured or stored, to the nearest point of the building upon which sits the second building from which the alcoholic beverage will be sold, manufactured or stored. The building shall be equipped with an adequate security system of cameras and camera recording devices. The Rockwood Chief of Police shall determine if the proposed building security system is adequate as to the number and location of cameras or recording devices. Recorded data, disks, or tapes, from the security system must be cataloged and maintained for a minimum of thirty (30) calendar days. (1970 Code, § 2-210, as replaced by Ord. #09-1115, Dec. 2008)

8-210. Restrictions generally. (1) Entertainment devices and seating forbidden. No form of entertainment, including pinball machines, music machines or similar devices, shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) Time and days of operation. No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before eight o'clock in the morning (8:00 A.M.) or after eleven o'clock at night (11:00 P.M.). Stores shall be closed on Thanksgiving Day and Christmas Day.

(3) Selling or furnishing to minors, etc. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a minor below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a minor below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) Consumption on premises of liquor store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store.

(5) Advertising. The provisions of the Rockwood Zoning and Sign Regulations and any other city ordinances or regulations addressing signs shall be adhered to. No off-premises signs shall be allowed within the city. Regarding sign age inside a liquor store, no banner or temporary or permanent signage shall be placed so that it obstructs free and clear vision of the interior of the liquor store from outside the liquor store. One (1) grand opening event shall be permitted at the time a liquor store is first opened for business and for two (2) weeks thereafter where one (1) grand opening banner shall be allowed provided a sign permit for such banner is properly obtained.

(6) Off-premises business. All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted nor shall there be permitted drive-in windows. No licensee shall employ any canvasser, agent, solicitor, or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer nor shall any licensee receive or accept any such order which shall have been solicited and received at the residence or place of business of such consumer. This paragraph shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises. (1970 Code, § 2-211, as replaced by Ord. #09-1115, Dec. 2008)

8-211. Fees. (1) Amounts generally. There is hereby levied on each licensee an inspection fee of five percent (5 %) on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. Payment of the inspection fee by the collecting wholesaler or other source shall be made to the city clerk on or before the twentieth (20th) day of each calendar month for all collections in the preceding calendar month. Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee and it shall be the licensee's duty to see that the payment of the inspection fee for his or her liquor store is made to the city clerk on or before the twentieth day of each calendar month for the preceding month. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service in a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the city.

(3) **Reports.** The city clerk shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchases from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified above.

(4) **Failure to pay fees.** The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole discretion of the city recorder, be cause for suspension of the offending licensee's local liquor store privilege license for as much as thirty (30) days and, at the sole discretion of the city council, be cause for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal, the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee. (1970 Code, § 2-212, modified, as amended by Ord. #1051, Feb. 2002, and replaced by Ord. #09-1115, Dec. 2008)

8-212. Records kept by licensee. In addition to any records specified in the state laws, rules and regulations, each licensee shall keep on file, at such licensee's store, the following records:

(1) The original invoices of all alcoholic beverages bought by the licensee;

(2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;

(3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and,

(4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved, and the name of the person or persons receiving the same. All such records shall be preserved for a period of at least fifteen (15) months unless the city clerk gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one (1) set of records per liquor store satisfies the requirements of this part. (1970 Code, § 2-213, as replaced by Ord. #09-1115, Dec. 2008)

8-213. Inspections generally. The city recorder, the city clerk, the chief of police or the authorized representatives or agents of any of them are

authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee. (1970 Code, § 2-214, modified, as amended by Ord. #1051, Feb. 2002, and replaced by Ord. #09-1115, Dec. 2008)

8-214. Certificate of compliance. As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, city council may authorize the issuance of certificates of compliance by the city according to the terms contained herein. (1970 Code, § 2-215, modified, as replaced by Ord. #09-1115, Dec. 2008)

8-215. Application. (1) Filing--content. An applicant or applicant group for a liquor store shall file with the city clerk a completed written application on a form to be provided by the city clerk which shall contain all of the following information and whatever additional information the city council or city recorder may require:

- (a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;
- (b) The name of the liquor store proposed;
- (c) The address of the liquor store proposed and its zoning designation;
- (d) A statement that the persons receiving the requested license, to the best of their knowledge, if awarded the certificate of compliance, could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city; and
- (e) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(f) That applicant has no outstanding property or personal property taxes due the city.

(2) Further documentation. The application form 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 five (5) copies of a scale plan drawn to a 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 on 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; and,

(d) The identification of every parcel of land within one hundred fifty feet (150') of the lot upon which the liquor store is to be operated indicating ownership thereof and the location of any structures thereon and the use being made of every such parcel.

(3) Signature. The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) Misrepresentation--concealment of fact--duty to amend. If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form, or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by city council. Further, no sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the city council.

(5) Fees. Each applicant shall be accompanied by a non-refundable three hundred dollars (\$300.00) investigation fee. One (1) application fee per applicant group is sufficient. (1970 Code, § 2-216, as replaced by Ord. #09-1115, Dec. 2008, and amended by Ord. #11-70, March 2013)

8-216. Consideration of application for certificate of compliance.

In issuing a certificate of compliance sufficient for the licensing of the liquor stores in the city permitted by this chapter, the city council will consider all applications filed with it after publication of notices published in a newspaper of general circulation in Roane County, Tennessee required by state law and/or applicable sign regulations. The city council will determine if the applicants have the qualifications required by state law. Applications and all matters

submitted with or as a part of such applications become, at the time they are submitted, the sole and exclusive property of the city and constitute public records open to public inspection. (as added by Ord. #09-1115, Dec. 2008)

8-217. Restrictions upon issuance of certificate of compliance.

(1) No violation of chapter. No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

(2) Time period for action. Any applicant or applicant group who has obtained a certificate of compliance as provided herein must, unless an extension is granted by city council, within one hundred twenty (120) days open a liquor store in the city or said certificate of compliance will be revoked by the passage of this amount of time and a certification thereof will be sent to the Alcoholic Beverage Commission of the State of Tennessee and the local liquor store privilege license issued pursuant to such application shall be considered canceled and revoked. (as added by Ord. #09-1115, Dec. 2008)

8-218. Local liquor store privilege license from city to operate liquor store. After an applicant or applicant group receives a license from the State of Tennessee to operate a retail liquor store pursuant to Tennessee Code Annotated, §§ 57-3-101 et seq., he or she shall apply to the city clerk for a local liquor store privilege license to operate a retail liquor store pursuant to the following terms, conditions and restrictions set out in §§ 8-219 and 8-220 hereof. (as added by Ord. #09-1115, Dec. 2008)

8-219. Restrictions on local liquor store privilege licenses.

(1) Term renewal. Each license shall expire on December 31st of each year. A license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state laws, rules and regulations and the provisions of this chapter.

(2) Display. A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee.

(3) Transfer. A licensee or co-licensee shall not sell, assign or transfer his license or any interest therein to any other person. No license shall be transferred from one (1) location to another location without the express permission of city council.

(4) Fees. A license fee of five hundred dollars (\$500.00) is due at the time of application for a license and annually, prior to January 1 each year, thereafter. The initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city clerk before any license shall issue. (as added by Ord. #09-1115, Dec. 2008)

8-220. Restrictions upon licensees and employees. (1) Initial qualifications. To be eligible to apply for or to receive a license, an applicant, or in the case of an applicant group each member of the applicant group, must satisfy all of the requirements of the state statutes and of the state laws, rules and regulations for the holder of a state liquor retailer's license.

(2) Public officers and employees. No license shall be issued to a person who is a holder of a public office, either appointed or elected, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such liquor store either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply, however, to uncompensated, appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.

(3) Felons. No licensee who has been convicted of a felony within ten (10) years prior to the time he or she or the legal entity to which he or she is connected shall receive a license, provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is connected shall immediately discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.

(4) Employee felons. No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who, within ten (10) years prior to the date of his or her employment, shall have been convicted of a felony. In the case that an employee is convicted of a felony while he is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(5) Liquor offenses. No license shall be issued to any person who, within ten (10) years preceding application for license or permit, shall have been convicted of any offense under the laws of this state or any state or of the United States regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of intoxicating liquors or beer who has, during such period, been engaged in business, alone or with others, in violation of any such laws or rules and regulations.

(6) Disclosure of interest. It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is

acquired after the issuance of a license unless it be fully disclosed to the city recorder and approved by him or her in a timely manner.

(7) Age. No licensee shall be a person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his place of business to engage in the storage, sale or distribution of alcoholic beverages.

(8) Interest in only one liquor store. A person shall have an interest, either direct or indirect, in no more than one (1) liquor store licensed under this chapter in the City of Rockwood. (as added by Ord. #09-1115, Dec. 2008, and amended by Ord. #11-20, March 2013)

8-221. Nature of license; suspension or revocation. The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by city council for any violation of this chapter by the licensee or by any person whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the city council suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this chapter by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city recorder may immediately suspend the license for a period not to exceed sixty (60) days and the city council may revoke the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations. (as added by Ord. #09-1115, Dec. 2008)

8-222. Violations--penalties. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00). Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions of chapter 3 of title 57 of the Tennessee Code Annotated, and the rules and regulations of said commission. (as added by Ord. #09-1115, Dec. 2008)

8-223. Selection of liquor store applicants. (1) Each applicant shall submit his name, address, voting precinct, phone number and a fee of two hundred dollars (\$200.00) (cash or check), non-refundable, in order to be included in the lottery drawing.

(2) At a public meeting, time and date to be set, a lottery drawing will be held.

(3) Names will be drawn and numbered in the order drawn, and listed accordingly, until all names have been drawn and listed.

(4) Depending upon the number of liquor stores authorized by city council, applicants at the top of the list will be authorized to begin the state and local licensing process.

(5) Should any of the tentative selectees be eliminated from consideration, then that slot would fall to the next highest lottery name on the list until all slots are filled.

(6) This lottery is only an initial step in the licensing process and in no way assures an applicant's final selection and licensing. (as added by Ord. #09-1115, Dec. 2008)

CHAPTER 3

BEER¹

SECTION

- 8-301. Beer board established.
- 8-302. Meetings of the beer board.
- 8-303. Record of beer board proceedings to be kept.
- 8-304. Requirements for beer board quorum and action.
- 8-305. Powers and duties of the beer board.
- 8-306. "Beer" defined.
- 8-307. Permit required for engaging in beer business.
- 8-308. Beer permits shall be restrictive.
- 8-309. Interference with public health, safety, and morals prohibited.
- 8-310. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-311. Prohibited conduct or activities by beer permit holders.
- 8-312. Revocation of beer permits.
- 8-313. Limitation on reissue of permits.
- 8-314. Privilege tax.
- 8-315. Civil penalty in lieu of suspension.
- 8-316. Concurrent sales of liquor by the drink and beer.
- 8-317. Sale of beer to persons under the age of 21 years.
- 8-318. Criminal history background and fingerprint checks.
- 8-319. Temporary beer permits.

8-301. Beer board established. There is hereby established a beer board to be composed of five (5) members appointed by the city council upon recommendation of the mayor. All members of the beer board shall have been residents of the city for at least one (1) year next preceding their appointment. They shall be appointed for four (4)² year terms except that the first members shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, beginning on September 15, 1980, so that the terms of one (1) member shall expire each year. A chairman shall be elected annually by the

¹State 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).

²Ordinance #987 (March 1995) changed the term of office of beer board members from 5 to 4 years and provided further that" ... this Ordinance shall not affect the term of office of any existing board members, but shall take effect with all future appointments"

board from among its members. Members of the beer board shall be compensated fifty dollars (\$50.00) per meeting, not to exceed fifty dollars (\$50.00) per month, and only if the member attends the meeting. Any member of the beer board may be removed by the city council for cause. (as added by Ord. #09-1115, Dec. 2008)

8-302. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. Where there is business to come before the beer board a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. Reasonable public notice shall likewise be given for any adjourned or special called meeting. (as added by Ord. #09-1115, Dec. 2008)

8-303. Record of beer board proceedings to be kept. The recorder or city clerk shall be required to attend and to make separate 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 contents of each beer permit issued by the board. (as added by Ord. #09-1115, Dec. 2008)

8-304. 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 board member present who passes or abstains from voting shall be deemed to have cast a negative vote. (as added by Ord. #09-1115, Dec. 2008)

8-305. Powers and duties of the beer board. The beer board shall have the power and is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer, within this municipality in accordance with the provisions of this chapter and other applicable laws and ordinances. (as added by Ord. #09-1115, Dec. 2008)

8-306. "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. (as added by Ord. #09-1115, Dec. 2008)

8-307. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall authorize and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Rockwood. 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. All permits to be issued in the name of the owner. (as added by Ord. #09-1115, Dec. 2008)

8-308. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by permit or license. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (as added by Ord. #09-1115, Dec. 2008)

8-309. 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 hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals of the community. In no event will a permit be issued authorizing the storage, sale, or manufacturing of beer except within the C-1 Commercial: Central Business, or C-2 Commercial: General Business Zoning Districts as depicted on the Official Zoning Map of the City of Rockwood on the date of application, unless such a valid permit exists in zones other than C-1 or C-2 on the date of passage of this ordinance. No distance requirements shall apply as to churches or schools in C-1 or C-2 Zones. (as added by Ord. #09-1115, Dec. 2008, and replaced by Ord. #10-1128, Dec. 2009)

8-310. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted of any violation of state laws or local ordinances against the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (as added by Ord. #09-1115, Dec. 2008)

8-311. 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 alcoholic beverages, 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, storage, distribution or manufacture of beer. This provision shall not apply to grocery stores selling beer for off premises consumption.

(3) Make or allow any sale of beer between the hours of three o'clock (3:00 A.M.) and six o'clock (6:00 A.M.) weekdays, and three o'clock (3:00 A.M.) and twelve o'clock (12:00 noon) on Sunday.

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

(5) Make or allow any sale of beer to any person under the age of twenty-one (21) years of age.

(6) Allow any minor under twenty-one (21) years of age to loiter in or about the place of business.

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

(8) Allow drunk or disreputable persons to loiter about the premises.

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

(10) Dancing that involves nudity or partial nudity or is considered lewd or sexually suggestive will be prohibited.

(11) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

(12) Fail to provide and maintain separate sanitary toilet facilities for men and women. This shall apply only to on-premises consumption and shall not apply to off-premises consumption. (as added by Ord. #09-1115, Dec. 2008)

8-312. Revocation of beer permits. The beer board may revoke any beer permit issued under the provisions of this chapter when the permit holder thereof is guilty of violation of any of the provisions of this chapter or if a permit holder shall discontinue business or ceases to be associated with the business on a day to day basis. (as added by Ord. #09-1115, Dec. 2008)

8-313. Limitation of number of beer permits. There is hereby no limit on the number of off-premises or on-premises beer permits issued by the beer board. (as added by Ord. #09-1115, Dec. 2008, and replaced by Ord. #10-1128, Dec. 2009)

8-314. Privilege tax. There is hereby imposed on the business selling, distributing, storing or manufacturing beer an annual privilege tax of one

hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage, or manufacture of beer shall remit the tax the 1st day of January of each year thereafter to the City of Rockwood, 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. (as added by Ord. #09-1115, Dec. 2008)

8-315. Civil penalty in lieu of suspension. 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 one thousand five hundred dollars (\$1,500.00) for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. 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. (as added by Ord. #09-1115, Dec. 2008)

8-316. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell liquor in the City of Rockwood, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding any other provision contained in the Rockwood City Code, qualify to receive a beer permit from the city. (as added by Ord. #09-1115, Dec. 2008)

8-317. Sale of beer to persons under the age of 21 years. (1) A permit holder engaging in the business regulated hereunder, or any employee of such permit holder, shall not make or permit to be made any sales of beer to any person under the age of twenty-one (21) years. Prior to making a sale of beer for off-premises consumption or for on-premises consumption, the consumer must present to the permit holder, or any employee of the permit holder, a valid, government-issued document, such as a driver's license, or other form of identification deemed acceptable to the permit holder, that includes the photograph and the birth date of the adult consumer attempting to make the beer purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the permit holder. The permit holder or employee shall make a determination from the information presented as to whether the purchaser is an adult. No sale of beer for on-premises consumption or for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the permit holder or to any employee of the permit holder. However, it is an exception to any penalty imposed by this ordinance, and it is an exception to

license suspension or revocation, if the sale was made to a person who is or reasonably appears to be more than fifty (50) years of age and who failed to present an acceptable form of identification.

(2) A fifty dollar (\$50.00) fine shall be imposed for each violation of this section of the Rockwood Municipal Code. Both the purchaser under the age of twenty-one (21) years and the permit holder shall be subject to separate fines of fifty dollars (\$50.00) each for each violation. Additionally, the permit holder shall be subject to revocation or suspension of its beer permit, or civil penalty in lieu thereof, in accordance with title 8 of the Rockwood Municipal Code.

(3) No permit holder shall be fined hereunder, and no permit shall be suspended or revoked, and no civil penalty shall be imposed if a purchaser under the age of twenty-one (21) years exhibits an identification, false or otherwise, indicating the purchaser's age to be twenty-one (21) or over, if the purchaser's appearance as to maturity is such that the purchaser might reasonably be presumed to be the age of twenty-one (21) or over, and the purchaser's true age is unknown to the person making the sale. (as added by Ord. #12-08, June 2015)

8-318. Criminal history background and fingerprint checks. The beer board is authorized to seek criminal history background and/or fingerprint checks on all applicants for beer permits and on all applicants for renewal of beer permits. Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation. The applicant shall be responsible for any fees assessed for said searches in accordance with the fee schedule established by the Bureaus. (as added by Ord. #12-08, June 2015)

8-319. Temporary beer permits. (1) The Rockwood Municipal Beer Board is authorized to issue temporary beer permits in addition to off-premises and on-premises beer permits authorized in title 8, chapter 3 of the Rockwood Municipal Code.

(2) A temporary beer permit is issued to authorize the sale, storage, dispensing, serving and distribution of beer within the corporate limits of the City of Rockwood for a period not to exceed forty-eight (48) hours. A temporary beer permit may be issued at the request of an applicant upon the same conditions governing the issuing of permanent permits.

(3) Failure of a temporary beer permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the City of Rockwood pertaining to the sale, storage, dispensing, serving and distribution of beer will result in the denial of another temporary beer permit for a period of one (1) year.

(4) The issuance of a temporary beer permit by the Rockwood Municipal Beer Board does not exempt the permittee from obtaining all other permits and licenses required by the City of Rockwood for the event for which the temporary beer permit was obtained. (as added by Ord. #13-10, Oct. 2024 *Ch5_01-27-25*)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.
3. TAXICABS.
4. CABLE TELEVISION.
5. SPECIAL EVENTS.
6. PAIN MANAGEMENT AND METHADONE CLINICS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

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

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

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city who goes from dwelling to dwelling, business to

¹Municipal code references

Building, plumbing, wiring and housing regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

²Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-501.

business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

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

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00), No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one (1) of the following conditions:

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

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

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

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

(5) "Transient vendor"¹ means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of

¹State law references

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

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

selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence.

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

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (as replaced by Ord. #12-26, Jan. 2017)

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (as replaced by Ord. #12-26, Jan. 2017)

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (as replaced by Ord. #12-26, Jan. 2017)

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

(a) The complete name and permanent address of the business or organization the applicant represents. All solicitors, including the applicant, shall be required to present to the city recorder a state driver's license or state issued identification containing a photograph of all solicitors. No one will be granted a permit to go door-to-door that is not at least eighteen (18) years of age.

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

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

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

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

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

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of one hundred dollars (\$100.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, if a fee is required, the recorder shall submit to the Rockwood Police Department the application that contains the information for all solicitors that will be operating under that permit. No permit shall be issued until after the Rockwood Police Department submits a report on each solicitor. If the permit is approved, the city shall issue a lanyard to each solicitor containing a city identification, the signature of the city recorder and the date of expiration of the permit. All solicitors must wear the lanyard with identification at all times while soliciting.

(4) Submission of application form to chief of police. Immediately after an application is submitted to the city, the recorder shall submit the permit form to the police department. The police department shall investigate each applicant and solicitors who will be operating under the permit. A report shall be submitted to the recorder prior to any permit being issued.

(5) Reasons for denial of application. A permit application may be denied to any or all of the solicitors/peddlers for the following reasons: any misrepresentation or fraudulent statement of the application, previous conviction for fraud, sex offenses, robbery, burglary, assault, murder, drugs or any similar offense not listed here that the police department reports is of concern for issuing a permit to a solicitor/peddler. (as replaced by Ord. #12-26, Jan. 2017)

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

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

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

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

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

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (as replaced by Ord. #12-26, Jan. 2017)

9-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (as replaced by Ord. #12-26, Jan. 2017)

9-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. The wearing of a lanyard with a city identification, signature and permit expiration is also required. (as replaced by Ord. #12-26, Jan. 2017)

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

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or complaints by city residents of harassment or high pressure tactics, or new information indicating past or previous convictions of any item listed in § 9-104(5).

(b) Any violation of this chapter.

The suspension or revocation of a permit by the recorder shall be effective immediately and the solicitor/peddler shall cease all operations within the city immediately upon presentment of the order of the repeal. Failure of the solicitor/peddler to cease operations shall be considered a violation of the codes of laws of the City of Rockwood and shall be punishable as other violations of this code.

(2) Suspension or revocation or refusal to issue a permit hearing by the city council. If the permit issued or requested by any person or organization

under this chapter is refused, suspended or revoked by the recorder, the suspension may be appealed to city council. Such an appeal must be made by the permit applicant that was suspended and must contain information as to why the recorder was in error in suspending, revoking, or refusing to issue a permit. (as replaced by Ord. #12-26, Jan. 2017)

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (as replaced by Ord. #12-26, Jan. 2017)

9-110. Violation and penalty. In addition to any other action the city may take against a permit holder and his/her agents in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation occurs shall constitute a separate offense. (as replaced by Ord. #12-26, Jan. 2017)

CHAPTER 2

YARD SALES

SECTION

9-201. Regulations.

9-201. Regulations. Regulations governing yard sales within the City of Rockwood shall be governed by Ordinance #706, titled "Zoning Ordinance, Rockwood, Tennessee," and any amendment thereto.¹

¹Ordinance #706, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

TAXICABS¹

SECTION

- 9-301. Taxicab franchise and privilege license required.
- 9-302. Requirements as to application and hearing.
- 9-303. Liability insurance required.
- 9-304. Revocation or suspension of franchise.
- 9-305. Mechanical condition of vehicles.
- 9-306. Cleanliness of vehicles.
- 9-307. Inspection of vehicles.
- 9-308. License and permit required for drivers.
- 9-309. Qualifications for driver's permit.
- 9-310. Revocation or suspension of driver's permit.
- 9-311. Drivers not to solicit business.
- 9-312. Parking restricted.
- 9-313. Drivers to use direct routes.
- 9-314. Taxicabs not to be used for illegal purposes.
- 9-315. Miscellaneous prohibited conduct by drivers.
- 9-316. Transportation of more than one passenger at the same time.

9-301. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license. (1970 Code, § 5-301)

9-302. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the city council; and make a recommendation to either grant or refuse a franchise to the applicant. The city council shall

¹Municipal code reference
Privilege taxes: title 5.

thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1970 Code, § 5-302)

9-303. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of one hundred thousand dollars (\$100,000.00) for bodily injury or death to any one person, three hundred thousand dollars (\$300,000.00) for injuries or death to more than one person which are sustained in the same accident, and fifty thousand dollars (\$50,000.00) for property damage resulting from any one accident. The required insurance shall inure to the benefit of the city and any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a taxicab owner, operator, or driver. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer or surety to the recorder of the city. (1970 Code, § 5-303, modified)

9-304. Revocation or suspension of franchise. The city council, after a public hearing, may revoke or suspend any taxicab franchise for repeated violations of this chapter or the traffic laws of the city by the taxicab owner or his drivers. (1970 Code, § 5-304)

9-305. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the city unless it is equipped with proper four (4) wheel brakes, front and rear lights, tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1970 Code, § 5-305)

9-306. Cleanliness of vehicles. All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every

week they shall be thoroughly washed and the interior cleaned with some suitable antiseptic solution. (1970 Code, § 5-306)

9-307. Inspection of vehicles. It is hereby required that all taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1970 Code, § 5-307)

9-308. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. The city taxicab driver's permit shall contain a good description of the driver; shall also contain his picture; and, shall at all times be conspicuously displayed by him in any taxicab he is driving. (1970 Code, § 5-308)

9-309. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is eighteen (18) years old or over and holds a state special chauffeur's license.
- (3) Is of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the city who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, or driving under the influence of an intoxicant or drug.
- (7) Is familiar with the state and local traffic laws. (1970 Code, § 5-309)

9-310. Revocation or suspension of driver's permit. The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of this chapter or for repeated violations of the traffic laws of the city. (1970 Code, § 5-310)

9-311. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1970 Code, § 5-311)

9-312. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. This shall also mean that taxicabs are prohibited from parking at parking meters. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to interfere with or obstruct other traffic and provided the passenger loading and/or discharging is promptly accomplished. Taxicabs may park at meters after meter hours. (1970 Code, § 5-312)

9-313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1970 Code, § 5-313)

9-314. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1970 Code, § 5-314)

9-315. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the city in any way. (1970 Code, § 5-315)

9-316. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of the latter. Furthermore, no more than five (5) passengers shall be carried in the same vehicle at any one time and not more than two (2) passengers shall be seated on the front seat of any cab while the same is in motion. (1970 Code, § 5-316)

CHAPTER 4

CABLE TELEVISION

SECTION

9-401. To be furnished under franchise.

9-401. To be furnished under franchise. Cable television shall be furnished to the City of Rockwood and its inhabitants under franchise granted to Comcast by the mayor and councilmen of the City of Rockwood, Tennessee. The rights, powers, duties and obligations of the City of Rockwood and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #960 dated October 18, 1993, in the office of the city recorder.

CHAPTER 5

SPECIAL EVENTS

SECTION

9-501. Special event permit required.

9-502. Permit application.

9-503. Rules or regulations.

9-504. Consideration for issuance; denial.

9-505. Restrictions and conditions.

9-506. Prohibited conduct.

9-501. Special event permit required. No special event, including parades, demonstrations, concerts, fairs, marches, assemblages, or other gatherings, shall be held upon any city street, sidewalk, park, or other public area of the city unless a permit is first obtained for such event. (as added by Ord. #11-1137, Nov. 2010)

9-502. Permit application. Application to conduct a special event shall be made to the city, in writing, by the person or persons in charge or responsible therefore. All applications for special event permits shall be made at least ten (10) business days prior to the date on which the special event is sought to be held, unless the city council waives the time requirement for good cause shown. Such application shall set forth the following information:

(1) The name, address and telephone number of the person requesting the permit.

(2) The name and address of the organization or group involved.

(3) The name, address and telephone number of the person who will act as director or person in charge of the special event and be responsible for the conduct thereof.

(4) The purpose of the event and the number of persons expected to attend.

(5) The date the event is to be conducted and the hours it will commence and terminate.

(6) The specific assembly and dispersal locations, and specific route plans, if any.

(7) Detailed description of the activities that will take place for the event. (as added by Ord. #11-1137, Nov. 2010)

9-503. Rules or regulations. The city is hereby authorized to promulgate rules and/or regulations, not in conflict with this ordinance, to supplement and specify in more detail, requirements relating to special events, provided that such rules or regulations are approved by the city council. Failure to observe any rule or regulation adopted pursuant to this section shall be a violation of this ordinance. (as added by Ord. #11-1137, Nov. 2010)

9-504. Considerations for issuance; denial. In determining whether to approve a special event permit the city may consider any factors reasonably deemed relevant for the proposed event including, but not limited to, the following:

(1) Whether the event requires a certificate of insurance naming the city as additionally insured in the minimum amount of one million dollars (\$1,000,000.00) general liability insurance.

(2) Whether the event requires a hold harmless/facility use agreement form to be signed by the person or organization in charge.

(3) Whether the special event appears to be held for any unlawful purpose.

(4) Whether it appears the special event may be conducted in a manner so as to cause a breach of the peace.

(5) Whether the special event will unnecessarily interfere with the public use of the streets, sidewalks, parks and/or other public areas.

(6) Whether the special event would, in any way, be detrimental to the public health, safety and welfare.

Denials of requests for a special event permit shall be made in writing, setting forth the reasons for such denial. (as added by Ord. #11-1137, Nov. 2010)

9-505. Restrictions and conditions. The permit evidencing approval under this ordinance may include reasonable time, place and manner restrictions as a condition to granting any permit if such restrictions are reasonable and necessary for the protection of the public health, safety and welfare. (as added by Ord. #11-1137, Nov. 2010)

9-506. Prohibited conduct. (1) No person shall knowingly participate in a special event for which no permit has been obtained.

(2) No person shall continue to organize, or participate in the further planning or organizing, of a special event that is conducted without a permit after a permit has been denied.

(3) No person in a position of influence or control over a special event shall allow any activity not described in the permit application.

(4) No person shall violate any condition of a special event permit. (as added by Ord. #11-1137, Nov. 2010)

CHAPTER 6

PAIN MANAGEMENT AND METHADONE CLINICS

SECTION

- 9-601. Definitions.
- 9-602. License required.
- 9-603. Application for license.
- 9-604. Standards for issuance of license.
- 9-605. Permit required.
- 9-606. Fees.
- 9-605. Display of license or permit.
- 9-608. Renewal of license or permit.
- 9-609. Revocation of license or permit.
- 9-610. Inspections.
- 9-611. Penalties and prosecution.
- 9-612. Invalidity of part.

9-601. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Applicant" owner of clinic who has submitted or is in the process of submitting an application.

(2) "Methadone treatment clinic or facility" means a licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Rockwood Zoning Ordinance.

(3) "Pain management clinic" means a privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain clinic does not include a hospital, medical or dental school, nursing school, physician assistant program, outpatient clinic or hospital or clinic operated by the federal government. (as added by Ord. #1154, March 2012)

9-602. License required. From and after the effective date of this chapter, no methadone clinic or pain management clinic shall be operated or maintained in the City of Rockwood without first obtaining a license to operate issued by the City of Rockwood.

(1) A license may be issued for one (1) methadone or pain management clinic located at a fixed and certain place.

(2) No license or interest in a license may be transferred to any person, partnership, or corporation.

(3) Any existing methadone or pain management clinics at the time of the passage of this article must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing methadone or pain management clinic shall cease operations.

(4) No license may be issued for any location unless the premises are lawfully zoned for methadone or pain management clinics and unless all requirements of the zoning ordinance are met. (as added by Ord. #1154, March 2012)

9-603. Application for license. (1) Any person, partnership, or corporation desiring a license shall make application to the Police Chief of the City of Rockwood. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(1) The application for a license shall be upon a form provided by the police chief. The application shall include the following information under oath:

(a) Name and addresses.

(b) Valid unrestricted license to operate such clinic.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) Demonstrate that all applicable state requirements are met.

(e) A completed questionnaire that addresses the services offered, evaluation methods, treatment methods, the business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application, patient billing procedures, types of controlled substances that will be dispensed and standards implemented to ensure patient quality care.

(f) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(g) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(h) When applicable, proof for a dispenser of controlled substances that compliance with the Tennessee Controlled Substance Database has been met.

(2) Within ten (10) days of receiving the results of the investigation conducted by the Rockwood Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall make a formal recommendation to the City of Rockwood City Council for the granting of a permit or denial of the

permit. The City of Rockwood City Council shall then consider the application at their regular meeting and make a decision on the application. Following this decision, the police chief shall advise the applicant in writing whether the application was granted or denied and the basis for the decision. All licenses shall further be held pending review/action of the board of zoning appeals.

(3) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action.

(4) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or refusal to submit required information and shall be grounds for denial thereof by the police chief. (as added by Ord. #1154, March 2012)

9-604. Standards for issuance of license. To receive a license to operate a methadone or pain management clinic, an applicant must meet all state licensing and certification requirements pertaining to such clinic. (as added by Ord. #1154, March 2012)

9-605. Permit required. In addition to the license requirements previously set forth for owners and operators of such clinics, no clinic shall begin operations without first obtaining a valid permit issued by the building inspector. (as added by Ord. #1154, March 2012)

9-606. Fees. The following fees shall apply to all methadone and pain management clinics within the corporate limits:

(1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied; one-half (1/2) of the fee shall be returned. (as added by Ord. #1154, March 2012)

9-607. Display of certificate, license and permit. All applicable state certifications, medical licenses, city license and city permit shall be displayed in a conspicuous public place in the clinic. (as added by Ord. #1154, March 2012)

9-608. Renewal of license. (1) Every license issued pursuant to this chapter will terminate at the expiration of two (2) years from date of issuance, unless revoked, and must be renewed before operation is allowed in the subsequent years.

(2) Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the

operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(3) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned. (as added by Ord. #1154, March 2012)

9-609. Revocation of license or permit. The police chief shall revoke a license or permit for any of the following reasons:

(1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(2) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter.

(3) The owner and/or operator becomes ineligible to obtain the required license from the applicable board.

(4) Applicable state certification is denied or revoked.

(5) Any cost or fee required to be paid by this chapter is not paid. (as added by Ord. #1154, March 2012)

9-510. Inspections. Any law enforcement or code enforcement officer is authorized access to inspect any facility registered under this chapter for proof of registration, at any reasonable hour, without notice. Nothing in this chapter shall be read to limit the authority of law enforcement in any matter as relates to the authority to conduct criminal investigations. (as added by Ord. #1154, March 2012)

9-611. Penalties and prosecution. Any person, partnership, corporation, or other business entity that is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #1154, March 2012)

9-512. Invalidity of part. Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter. (as added by Ord. #1154, March 2012)

TITLE 10**ANIMAL CONTROL****CHAPTER**

1. IN GENERAL.
2. DOGS.
3. FERAL CATS.
4. INTERFERENCE WITH ENFORCEMENT.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals running at large.

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence or place of business without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. Any person aggrieved by the health officer's decision in any such case may appeal the same to the city council. (1970 Code, § 3-102, modified)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1970 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition and wholesomeness for food if so intended. (1970 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1970 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise inhumanely abuse or injure any dumb animal or fowl. (1970 Code, § 3-106)

10-107. Seizure and disposition of animals running at large. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the city council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance.

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs.
- 10-205. Noisy dogs prohibited.
- 10-206. Seizure and disposition of dogs running at large.
- 10-207. Seizure and disposition of dogs suspected of being rabid.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Fees.
- 10-210. Violation and penalty.
- 10-211. Prohibited dogs.
- 10-212. Written notice.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114). (1970 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1970 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person to permit any dog owned by him/her or under their control to run at large within the corporate limits. Any person 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 provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (as replaced by Ord. #10-1131, May 2010)

10-204. Vicious dogs. 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.

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

- (1) Definitions. (a) "Vicious dog" is:
- (i) Any dog with a known propensity, tendency or disposition or whose conduct indicates the same, to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals, or
 - (ii) Any dog which without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animals; or
 - (iii) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting;
- (b) "At-large" is: Any dog which is unattended and/or unrestrained and/or unconstrained on the property of someone other than its owner.
- (2) Responsibilities of the owner of the vicious dog. (a) The owner of a vicious dog shall not permit the dog to go unconfined.
- (b) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen structure must have secure sides and a secure top attached to the sides which shall be made of nine (9) gauge wire, or stronger, and inspected and approved by the animal control officer. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. This structure must be at least ten feet (10') from an adjoining property owner's property; this structure shall leave an outer fence three feet (3') from the interior fence constructed of at least the same gauge material.
- (c) Leash and muzzle. The owner of a vicious dog shall not allow or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of an adult. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- (d) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.
- (e) Insurance. Owners of vicious dogs must provide proof to the city recorder of liability insurance in the amount of at least fifty thousand dollars (\$50,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog.
- (3) Observation, seizure, impoundment and the disposition of vicious dogs. (a) In the event that a vicious dog is found at large and unattended on the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the

animal control officer or the chief of police, be destroyed if it cannot be confined or captured.

(b) (i) Upon the complaint of an individual that a person is keeping a vicious dog on the premises in the City of Rockwood, the animal control officer shall investigate, and if after investigation the dog is not contained by standards found § 10--204(2)(b), the facts indicate that the person named in the complaint is keeping a vicious dog in the city, the animal control officer may enter upon private premises in order to seize any such vicious dog, whether running at large or not. An animal so seized shall be impounded for a period of seven (7) days. A written notice of impoundment shall be given by the animal control officer to the person keeping the vicious dog, and shall be served personally or by certified mail.

(ii) A citation or warrant shall also be served on the keeper of said vicious dog pursuant to the provisions found in this code.

(c) Hearing on impoundment destruction. The owner of an impounded dog shall have the right to appear at a hearing to contest the impoundment, and/or defend the charges set forth in the citation issued to him or her.

(i) The hearing shall be before the Rockwood City Judge, and shall be conducted as are other matters in municipal court. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(ii) After considering all the relevant evidence; the city judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner, conditioned upon the owner complying with the requirements set forth in this section or with any other requirements necessary to protect the public health or safety. The judge shall also determine if the owner of said vicious dog has violated the provisions hereof and issue an order accordingly.

(iii) If the owner of an impounded dog fails to appear at the hearing, the dog shall be destroyed.

(d) The animal control officer of the City of Rockwood shall have the authority to enforce this chapter without a warrant or citation if he or she observes a violation occurring in his or her presence.

(e) Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner, pending the outcome of the hearing. All such cost of impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the city.

(4) Vicious dog exemptions. (a) The prohibitions contained in this section shall not apply to the keeping of vicious dogs in the following circumstances:

(i) The keeping of guard dogs, at both commercial establishments and residences, under the following provisions: Guard dogs must be kept within a structure of fixed enclosures at all times, and any guard dog found at large may be processed as a vicious dog pursuant to this section. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," or "vicious dog," and the owner of such premises shall inform the chief of police that a guard dog is on duty at said premises. Any gate to any fence enclosing guard dog shall be kept closed when persons are located upon the property housing them.

(ii) Animals under the control of a law enforcement officer or military agency.

(5) Penalty provisions. It shall be unlawful for anyone to harbor or maintain or own a vicious dog as defined herein violation of or in noncompliance with the provisions hereof, and anyone who shall do so shall be subject to the fees set forth in § 10-209. (as amended by Ord. #07-1097, Jan. 2007, deleted by Ord. #09-1113, Sept. 2015, and added by Ord. #12-52, Dec. 2018 **Ch3_6-18-19**)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1970 Code, § 3-205)

10-206. Seizure and disposition of dogs running at large. Any dog found running at large shall be seized by the animal/litter control officer or by any police officer and confined in a suitable place provided or designated by the city council. If such dog is wearing a tag, the owner shall be notified by a telephone call or by a post card addressed to his last-known mailing address or by a written notice posted in three or more conspicuous public places in the city to appear within three (3) days and redeem his dog or the same will be humanely destroyed or otherwise disposed of by the animal/litter control officer. If the dog is not wearing a tag, it may be humanely destroyed or otherwise disposed of unless legally claimed by the owner within three (3) days. No dog shall be released in any event from the pound unless and until it has been registered, vaccinated, and had a tag placed on its collar. (1970 Code, § 3-206, as amended by Ord. #1024, Oct. 1998)

10-207. Seizure and disposition 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 poundmaster, health officer, or chief of police may cause such dog to be seized

and/or confined or isolated for observation for up to two (2) weeks. If such dog is found to be rabid, it will be humanely disposed of. If such dog is found not to be rabid it shall be released to its owner upon his payment of any expenses incurred by the city on his behalf. If upon reasonable notice the dog's owner refuses to pay such costs the dog shall be humanely destroyed or otherwise disposed of.¹ (1970 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.

10-209. Fees. The following fees are hereby prescribed and shall be collected by the city:

Impounding a dog:

First offense..... \$25.00
Second and subsequent offenses..... \$50.00

Plus the cost of spaying or neutering for adoption. (1970 Code, § 3-208, as amended by Ord. #1024, Oct. 1998, modified)

10-210. 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.

10-211. Prohibited dogs. It shall be unlawful for any person to own or keep, within the city limits of the City of Rockwood, the following: coyotes, wolves, dingos, or wild hybrids. (as added by Ord. #09-1113, Sept. 2015)

10-212. Written notice. The owner must give written notice of the vicious dog determination to the United States Post Office (local branch), and all utility companies which provide services to the premises where the dog is kept. The owner shall provide a copy of such notice to the animal control officer within thirty (30) days. (as added by Ord. #09-1113, Sept. 2015)

¹State law reference

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

CHAPTER 3

FERAL CATS

SECTION

- 10-301. Definition of a feral cat.
- 10-302. Health hazard.
- 10-303. Animal control officer.
- 10-304. Kennel.
- 10-305. Notice of abatement.
- 10-306. Cat hoarding.
- 10-307. Running at large prohibited.
- 10-308. Right to appeal.
- 10-309. Violations and penalties.

10-301. Definition of a feral cat. A feral cat means any cat living in the wild in an untamed state or having been abandoned by owners or the off-spring of an animal abandoned by its owners, and existing as a wild, undomesticated animal with poor socialization skills. (as added by Ord. #11-65, Feb. 2013)

10-302. Health hazard. Commonly known as a stray cat, feral cat and the cat colonies it can inhabit may become a health hazard due to trespassing on private and public properties, instigating aggression with other feral and domesticated cats, littering of trash receptacles, noise, increase in the reproduction of fleas, lice and other diseases, creating unsanitary conditions due to excrement and urine, disease and death of the animal(s). (as added by Ord. #11-65, Feb. 2013)

10-303. Animal control officer. The animal control officer is any person who has been appointed by the Mayor of the City of Rockwood for the purpose of administering the provisions of this chapter and others chapters under title 10. The animal control officer is empowered to enter upon private or public property to rescue, retrieve, round-up, coral, or humanely trap any animal which is roaming at large on private or public property. The animal control officer is not empowered to enter any residence without first obtaining a warrant. (as added by Ord. #11-65, Feb. 2013)

10-304. Kennel. Any person shall not keep or maintain on their private property more than five (5) animals, including but not limited to cats without being approved and registered as a kennel, operating in a commercial zone. Any residence having five (5) or more cats shall be considered a kennel and shall be in violation of this ordinance. An exception may be made by the animal control officer if all the cats are contained within the residence; all have up-to-date

rabies vaccinations, appear to be clean and fed appropriately, have been neutered, and the residence is fit for human habitation. All exceptions to the over five (5) cat limit shall be filed at city hall. If, at any, time, the conditions change within the dwelling to the health and welfare of the cats or the owner, appropriate action may be taken by the animal control officer and he/she may revoke the exemption and proceed with the appropriate seizure of cats and penalties, if warranted. (as added by Ord. #11-65, Feb. 2013)

10-305. Notice of abatement. The animal control officer may file a notice of abatement on a renter or owner who has cat colonies running at large. A cat colony is more than five (5) free roaming cats. A notice of abatement shall give the owner or renter of the property the right to dispose of the cats within a specified period of time. It shall then be the responsibility of the individual to whom a notice of abatement is given to get rid of the cat colonies. If the abatement is not done, a municipal court order shall be obtained and the animal control officer shall trap and remove the colonies. The owner/renter shall pay for all removal costs, court costs and fines. (as added by Ord. #11-65, Feb. 2013)

10-306. Cat hoarding. The animal control officer shall have the authority to investigate cat hoarding. Cat hoarding involves an individual acquiring more than five (5) cats that are not free roaming but contained within a dwelling. Cat hoarding may contribute to significant health problems due to cat fleas, excrement, urine and other issues. The animal control officer is empowered to investigate all complaints and reports of potential health issues, animal cruelty or hoarding cases. If a hoarding instance is found, a warrant may be obtained by the animal control officer to remove all of the cats from the home to be disposed of as the judge orders. Fines and penalties must be paid by the hoarder as well as any clean-up costs incurred by the city or costs to the local shelter. (as added by Ord. #11-65, Feb. 2013)

10-307. Running at large prohibited. It shall be a violation of this ordinance to allow any cat to roam freely onto public properties, rights-of-ways or on adjacent properties not in the ownership of the cat's owner. Any cat found to be roaming freely off the owner's property or a feral cat with no known owner may be picked up at will by the animal control officer and taken to the local shelter. Traps may also be set by the animal control officer on public property or on private property with the owner's consent. (as added by Ord. #11-65, Feb. 2013)

10-308. Impounded cats. Any impounded cat taken to the local animal shelter by the animal control officer shall be held for at least three (3) days before being humanely euthanized or offered for adoption. If the cat is determined to be diseased or severely injured, the animal may be euthanized immediately. (as added by Ord. #11-65, Feb. 2013)

10-309. Right to appeal. Any owner has a right to appeal to municipal court to have an animal returned. The appeal must be filed within three (3) days of the animal's capture. At the time of appeal, the animal control officer shall notify the shelter of the appeal. While an appeal is being made the shelter may not euthanize the animal or offer it for adoption. After a hearing, the owner may redeem the animal by paying a fine, court costs and shelter costs. Or, the municipal judge may order an animal to be euthanized or offered for adoption by the shelter. (as added by Ord. #11-65, Feb. 2013)

10-310. Violations and penalties. Violations 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. #11-65, Feb. 2013)

CHAPTER 4

INTERFERENCE WITH ENFORCEMENT

SECTION

10-401. Interference with enforcement.

10-401. Interference with enforcement. (1) It shall be unlawful for any person to knowingly hinder, resist or oppose the animal control officer or other properly designated officer or official in the performance of his or her duties.

(2) It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the City of Rockwood or to molest or release any animal caught therein.

(3) Any person found in violation of any provision of this chapter maybe cited to city court subject to fines and court costs. Fines may be up to fifty dollars (\$50.00) for each violation. (as added by Ord. #12-10, June 2015)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.

CHAPTER 1

ALCOHOL²

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 in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place within the municipality unless the place has a beer permit and license. (1970 Code, § 10-234)

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. (1970 Code, § 10-228)

¹Municipal code references

- Animals and fowls: title 10.
- Housing and utilities: title 12.
- Fireworks and explosives: title 7.
- Traffic offenses: title 15.
- Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

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

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-203. Engine compression braking devices.

11-201. 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. (1970 Code, § 10-202)

11-202. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise within the corporate limits 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, streetcar, 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) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

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

disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any persons 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, streetcar, 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 municipal 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 5:00 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 for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise.

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

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

(a) City 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, during the night season, when the public welfare and convenience renders it impossible 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. (1970 Code, § 10-235)

11-203. Engine compression braking devices. (1) All truck tractors and semitrailers, as defined in Tennessee Code Annotated, § 55-8-101, operating within the city limits of Rockwood shall conform to the visual exhaust system inspection requirements of 40 CFR 202.22 of the Interstate Motor Carriers Noise Emission Standards.

(2) A truck tractor or semitrailer does not conform to the visual exhaust system inspection requirements referenced in subsection (1) of this section if a visual inspection of the exhaust system of the truck, tractor or semitrailer, including the exhaust system and/or muffler for engine compression braking device, discloses that the said exhaust system and/or muffler.

(a) Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements. (Small traces of soot on flexible exhaust pipe sections shall not constitute a violation.); or

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or

(c) Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

(3) Violations of this section shall subject the offender to a fine of fifty dollars (\$50.00) per offense. (as added by Ord. #12-06, Aug. 2015)

CHAPTER 3**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-301. False emergency alarms.

11-302. Coercing people not to work.

11-301. 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. (1970 Code, § 10-223)

11-302. Coercing people not to work. It shall be unlawful for any person in association or agreement with one or more persons to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside, or upon the streets, approaches, or places adjacent thereto, for the purpose of inducing any such other person by compulsion, threats, coercion, intimidation, acts of violence or by otherwise putting such person in fear, to quit his employment, or to refrain from seeking or freely entering into any lawful employment. (1970 Code, § 10-221)

CHAPTER 4

FIREARMS, WEAPONS AND MISSILES

SECTION

11-401. Air rifles, etc.

11-402. Throwing missiles.

11-403. Discharge of firearms.

11-401. Air rifles, etc. It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, or "BB" gun capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1970 Code, § 10-216)

11-402. 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 in any public or private way or place. (1970 Code, § 10-217)

11-403. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. A violation of this chapter shall subject the offender to a penalty under the general penalty clause of this code.

CHAPTER 5**TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

- 11-501. Trespassing.
11-502. Trespassing on trains.
11-503. Interference with traffic.
11-504. Violation and penalty.

11-501. Trespassing. (1) On premises open to the public.

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

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

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

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

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

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.¹

11-502. Trespassing on trains. It shall be unlawful for any minor or other person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1970 Code, § 10-227)

11-503. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

11-504. Violation and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty clause of this code.

CHAPTER 6

MISCELLANEOUS

SECTION

11-601. Abandoned refrigerators, etc.

11-602. Caves, wells, cisterns, etc.

11-603. Posting notices, etc.

11-604. Curfew for minors.

11-605. Violation and penalty.

11-606. Panhandling.

11-601. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child.

11-602. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard.

11-603. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property within the corporate limits unless legally authorized to do so. (1970 Code, § 10-231)

11-604. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless upon a legitimate errand or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (1970 Code, § 10-229)

11-605. Violation and penalty. A violation of this chapter shall subject the offender to a penalty under the general penalty clause of this code.

11-606. Panhandling. (1) Definitions. The following terms shall be defined as set forth below:

(a) "Solicit" and "solicitation" means any request in person while in a public place, for an immediate grant of money, goods or any other form of gratuity from another person when the person making the request is not known to the other person who is the subject of such request.

(b) "Public place" means a publicly owned building and premises appurtenant thereto, any public park, sidewalk or other right-of-way open to the general public, including alleys, bridges, buildings, driveways, parking lots, parks, plazas and streets. "Public place" also means private property open to the public where the owner or occupant does not consent to solicitation.

(2) Improper solicitation. It is unlawful for any person to solicit in the following places during the following conditions:

(a) Soliciting while intentionally or knowingly causing the individual being solicited to reasonably fear imminent bodily injury;

(b) Soliciting while intentionally, knowingly or recklessly causing bodily injury to the solicited individual;

(c) Soliciting while intentionally or knowingly causing physical contact with the solicited individual, and a reasonable person would regard the contact as extremely offensive or provocative;

(d) Soliciting while blocking the path of the individual being solicited, so that the individual cannot reasonably enter a public place or vehicle;

(e) Soliciting while following or accompanying the solicited individual without the solicited individual's consent after the solicited individual has declined to donate money or something else of value;

(f) Soliciting within twenty feet (20') of an automatic teller machine or public entrance to a bank, credit union, savings and loan association or licensed check cashing business, during the hours of operation of such business;

(g) Soliciting on any private property in which there is any type of written notice prohibiting solicitation and/or panhandling;

(h) Soliciting on any other private property, unless the person soliciting has obtained prior permission from the owner or occupant; or

(i) Soliciting after 8:00 P.M. and before 7:00 A.M. during any dates on which Daylight Savings Time is in effect, or after 7:00 P.M. and before 7:00 A.M. during any dates on which Daylight Savings Time is not in effect.

(3) False or misleading solicitation. It shall be unlawful for any person to knowingly make any false or misleading representation in the course of solicitation. False or misleading representation includes, but is not limited to, the following:

(a) Stating the donation is needed to meet a specific need, when the solicitor already has sufficient funds or assets to meet that need and does not disclose this fact;

(b) Stating that the donation is needed to meet a need which does not exist;

(c) Stating that the solicitor is from out of town and stranded, when such is not true;

(d) Wearing a military uniform or other indication of military service when the solicitor is neither a present nor former member of the service indicated;

(e) Wearing or displaying any indication of physical disability when the solicitor does not actually suffer the disability indicated;

(f) Using any makeup or device to simulate any deformity, handicap or illness;

(g) Stating that the solicitor is homeless when the solicitor is not homeless;

(h) Stating that the donation is for food or shelter, but in reality will be used for alcoholic beverages, illegal drugs, drugs obtained without a prescription or illegal contraband; or

(i) Offering to sell a tangible object for a price when such tangible object is actually offered free of charge to the general public.

(4) Penalty. Any person found violating any provision of this section shall be punishable by a penalty of up to ten dollars (\$10.00) for each violation. Each act of solicitation shall be a separate and independent violation. (as added by Ord. #12-81, Jan. 2022 **Ch4_06-20-22**)

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. FUEL GAS CODE.
5. RESIDENTIAL CODE.
6. ENERGY CONSERVATION CODE.
7. MECHANICAL CODE.
8. EXISTING BUILDING CODE.

CHAPTER 1

BUILDING CODE²

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations and penalties.

12-101. Building code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,³ 2018 edition, including appendix chapters and subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by

¹Copies of fee schedules (and any amendments thereto) may be viewed in the office of the recorder.

²Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

³Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

reference as part of the Rockwood Municipal Code as fully as if copied verbatim, and is hereinafter referred to as the building code for the City of Rockwood, in the State of Tennessee.

All references to the International Building Code, 2012 edition, or any other building code, in other ordinances of the City of Rockwood, are hereby amended to refer to the International Building Code, 2018 edition, only.

No permit issued under the International Building Code now in effect or hereinafter adopted in the City of Rockwood shall be extended for more than three (3) periods not to exceed one hundred eighty (180) days each.

All resolutions, codes or ordinances adopted by the City of Rockwood in conflict with this ordinance are hereby amended by implication to contain the language of this ordinance as set forth herein. (1970 Code, § 4-101, modified, as replaced by Ord. #11-1135, Oct. 2010, Ord. #12-33, Jan. 2017, and Ord. #12-56, Feb. 2019 *Ch3_6-18-19*, and amended by Ord. #13-12, Jan. 2025 *Ch5_01-27-25*)

12-102. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "Building Official" are used in the building code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the building code. (1970 Code, § 4-102, as replaced by Ord. #11-1135, Oct. 2010)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 4-103, modified, as replaced by Ord. #11-1135, Oct. 2010)

12-104. Violations and penalties. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1970 Code, § 4-104, as replaced by Ord. #11-1135, Oct. 2010)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations and penalties.

12-201. Plumbing code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, within or without the city, when such plumbing is or is to be connected to the city water or sewerage system, the International Plumbing Code,² 2018 edition, including appendix chapters and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of the Rockwood Municipal Code as fully as if copied verbatim, and is hereinafter referred to as the plumbing code for the City of Rockwood, in the State of Tennessee.

All references to the International Plumbing Code, 2012 edition, or to any other plumbing code, and all other ordinances of the City of Rockwood are hereby amended to refer to the International Plumbing Code, 2018 edition, only. (1970 Code, § 4-201, modified, as replaced by Ord. #11-1135, Oct. 2010, Ord. #12-32, Jan. 2017, and Ord. #12-56, Feb. 2019 *Ch3_6-18-19*)

12-202. Modifications. The following sections are hereby revised to read as follows:

- (1) Definitions. Whenever the words "Building Official" are used in the plumbing code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the plumbing code. (1970 Code, § 4-202, as replaced by Ord. #11-1135, Oct. 2010)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 4-203, modified, as replaced by Ord. #11-1135, Oct. 2010)

12-204. Violations and penalties. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1970 Code, § 4-204, as replaced by Ord. #11-1135, Oct. 2010)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical inspections.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.

12-301. Electrical inspections. Electrical work done within the city shall be inspected by a deputy electrical inspector of the State of Tennessee Department of Commerce and Insurance Division of Fire Prevention. All electrical work performed within the City of Rockwood shall be permitted in accordance with the permitting requirements of the State of Tennessee Department of Commerce and Insurance Division of Fire Prevention, and permits shall be obtained from the electrical permit issue agent of the State of Tennessee Department of Commerce and Insurance Division of Fire Prevention having authority to issue permits in Rockwood, Tennessee. All electrical work performed within the city limits of Rockwood shall be performed in accordance with the electrical code enforced by the State of Tennessee Department of Commerce and Insurance Division of Fire Prevention in effect at the time said work is performed. (1970 Code, § 4-301, modified, as replaced by Ord. #12-57, March 2019 *Ch3_6-19-19*)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1970 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1970 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1970 Code, § 4-305)

CHAPTER 4
FUEL GAS CODE

SECTION

- 12-401. Gas code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Gas permit required.
- 12-405. Violations.
- 12-406. Enforcement.

12-401. Gas code adopted. The purpose of the gas code is to provide minimum standards, provisions and requirements for the safe installation of a consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained or repaired within the corporate limits, and all gas piping and gas appliances installed, replaced, maintained or repaired outside the corporate limits when such piping and/or gas appliances are or are to be connected to the city natural gas system, shall conform to the requirements of this chapter and to the International Fuel Gas Code,¹ 2018 edition, as published by the International Code Council, Inc. Said International Fuel Gas Code, 2018 edition, is hereby adopted and incorporated by reference and made a part of this chapter of the Rockwood Municipal Code as if set forth verbatim, and shall be referred to as the gas code for the City of Rockwood, in the State of Tennessee.

All reference to the International Fuel Gas Code, 2012 edition, or to any other gas code, and all other ordinances of the City of Rockwood are hereby amended to refer to the International Fuel Gas Code, 2018 edition, only. (1970 Code, § 4-401, modified, as replaced by Ord. #12-31, Feb. 2017, and Ord. #12-56, Feb. 2019 *Ch3_6-18-19*)

12-402. Modifications. Section 103 of the gas code is hereby specifically modified to read as follows:

103 - QUALIFIED INSTALLING AGENCY.

Installation and replacement of consumer's gas piping or gas appliances and repair of consumer's gas appliances shall be performed only by a qualified agency which has filed with the municipality evidence of a liability bond or insurance policy in the sum of \$10,000.00 which indemnifies and saves harmless the municipality and all persons therein from any injury, loss, cost or damage caused by negligent, inadequate,

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

imperfect or defective work done by the agency while acting in the scope and course of its employment. By the term "qualified agency" is meant any individual, firm, corporation, or company which either in person or through a representative is engaged in and is responsible for the installation, replacement or repair of consumer gas piping, or the connection, installation, repair or servicing of gas appliances, and who is experienced in such work and familiar with all precautions required. (1970 Code, § 4-402)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 4-403, modified)

12-404. Gas permit required. No property owner shall cause or permit, nor shall any person install, modify, change, or repair any house gas piping or any gas appliance or fixture within the city or its gas service territory until the person proposing to do the work shall have first obtained a permit therefor from the city. (1970 Code, § 4-404)

12-405. Violations. It shall be unlawful for any person to do or authorize any gas installation or repair work or to use any gas in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the gas code. (1970 Code, § 4-405)

12-406. Enforcement. The gas inspector shall be such person as the city council shall appoint or designate to enforce the provisions of this chapter and the gas code. He shall inspect the installation and/or modification or repair of all gas piping, connections, appliances, and fixtures. He may enter any building or premises at any reasonable time for the discharge of his duties. He shall not approve any gas piping installation, connection, repair, modification, or appliance which fails to meet the minimum requirements of this chapter and/or the gas code. Immediately upon completion of the inspection the gas inspector shall notify the owner, his agent, or the occupant of the inspected property whether or not the inspection has been satisfactory. When the inspection reveals defective workmanship or material or any violations of this chapter or the gas code, written notice of the same shall be given by the inspector and he shall refuse gas service until the defects have been corrected. (1970 Code, § 4-406)

CHAPTER 5

RESIDENTIAL CODE

SECTION

- 12-501. Residential code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.

12-501. Residential code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-507, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code for One- and Two-Family Dwellings,¹ 2018 edition, including appendix chapters, and all subsequent amendments or additions to said code as prepared and adopted by the International Code Council, Inc. is hereby adopted and incorporated by reference as part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the residential code for the City of Rockwood, in the State of Tennessee, but excluding and deleting Section R313 concerning one- and two-family automatic sprinkler systems and further excluding Section R402.1.2. Section R402.1.2 is hereby replaced with section R402.1.1 Insulation and Fenestration Requirement published in International Residential Code for One- and Two-Family Dwellings, 2012 edition.

All references to the International Residential Code, 2012 edition, or to any other residential code in all other ordinances of the City of Rockwood, are hereby amended to refer to the International Residential Code for One- and Two-Family Dwellings, 2018 edition, only, subject to the exclusions and replacements set forth above.

No permit issued under the International Residential Code for One- and Two-Family Dwellings now in effect or hereinafter adopted in the City of Rockwood shall be extended for more than three (3) periods not to exceed one hundred eighty (180) days each.

All resolutions, codes or ordinances adopted by the City of Rockwood in conflict with this ordinance are hereby amended by implication to contain the language of this ordinance as set forth herein. (1970 Code, § 4-501, modified, as replaced by Ord. #11-1135, Oct. 2010, amended by Ord. #12-18, March 2014, and replaced by Ord. #12-30, Jan. 2017, Ord. #12-38, May 2017, and Ord. #12-56, Feb. 2019 *Ch3_6-18-19*, and amended by Ord. #13-12, Jan. 2025 *Ch5_01-27-25*)

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-502. Modifications. The following sections are hereby revised to read as follows: .

(1) **Definitions.** Whenever the words "Building Official" are used in the residential code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the residential code.

(2) **Automatic sprinkler system standards.** Section R- 313 pertaining to automatic sprinkler systems for townhouses and residential dwellings for single family and double family dwellings is hereby deleted, except for Section R 313.1, which states that "an automatic residential fire sprinkler system shall be installed in townhouses." However, an automatic fire sprinkler system shall not be required in a three (3) unit townhouse with less than five thousand (5,000) gross square feet and three (3) or fewer stories, if each unit is separated by a two (2) hour fire wall. (1970 Code, § 4-502, as replaced by Ord. #11-1135, Oct. 2010, and amended by Ord. #11-84, Jan. 2015)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 4-503, modified, as replaced by Ord. #11-1135, Oct. 2010)

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential 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 fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1970 Code, § 4-504, as replaced by Ord. #11-1135, Oct. 2010)

CHAPTER 6

ENERGY CONSERVATION CODE¹

SECTION

- 12-601. Energy code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violation and penalties.

12-601. 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 airflow 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 International Energy Conservation Code,² 2018 edition, excluding appendix chapters and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of the Rockwood Municipal Code, as if copied verbatim, and is hereinafter referred to as the energy conservation code for the City of Rockwood, in the State of Tennessee, but excluding Sections N1102.4, N1103.33, N1103.3.4, and N1102.1.2. Section N1102.1.2 is replaced with Section R.402.1.1 Installation and Fenestration Requirements set forth in the International Residential Code for One- and Two-Family Dwellings, 2012 edition.

All references to the International Energy Conservation Code, 2012 edition, or to any other energy conservation code in all other ordinances of the City of Rockwood are hereby amended to refer to the International Energy Conservation Code, 2018 edition only, subject to the exclusions and replacements set forth above. (as replaced by Ord. #11-1135, Oct. 2010, and Ord. #Ord. #12-56, Feb. 2019 *Ch3_6-18-19*)

12-602. Modifications. (1) The following sections are hereby revised to read as follows:

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(1) "Building Official." Whenever in the energy code these words are used, they shall refer to the person designated by the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

(2) "Responsible Government Agency." Whenever these words are used in the energy code they shall be deemed to be a reference to the City of Rockwood. (as replaced by Ord. #11-1135, Oct. 2010)

12-603. 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. (as replaced by Ord. #11-1135, Oct. 2010)

12-604. Violation and penalties. It shall be unlawful 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 fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as replaced by Ord. #11-1135, Oct. 2010)

CHAPTER 7

MECHANICAL CODE

SECTION

- 12-701. Mechanical code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations and penalties.

12-701. Mechanical code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure and any appurtenances connected or attached to any building or structure, the International Mechanical Code,¹ 2018 edition, including appendix chapters and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as part of the Rockwood Municipal Code as fully as if copied verbatim, and is hereby referred to as the mechanical code for the City of Rockwood, in the State of Tennessee.

All references to International Mechanical Code, 2012 edition, or to any other mechanical code, and all other ordinances of the city of Rockwood are hereby amended to refer to the International Mechanical Code, 2018 edition, only. (as added by Ord. #11-96, Dec. 2014, and replaced by Ord. #12-29, Feb. 2017, and Ord. #12-56, Feb. 2019 *Ch3_6-18-19*)

12-702. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "Building Official" are used in the mechanical code, they shall refer to the building inspector for the City of Rockwood. (as added by Ord. #11-96, Dec. 2014)

12-703. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #11-96, Dec. 2014)

12-704. Violations and penalties. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #11-96, Dec. 2014)

CHAPTER 8

EXISTING BUILDING CODE

SECTION

12-801. Existing building code adopted.

12-801. Existing building code adopted. Pursuant to the authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of regulating the use, reuse, repair, alteration, addition and change of occupancy of existing buildings and historic buildings, the International Existing Building Code,¹ 2018 edition, including all appendixes and subsequent amendments and additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as part of the Rockwood Municipal Code as fully as if copied verbatim, and is hereby referred to as the existing building code for the City of Rockwood, in the State of Tennessee.

All references to the International Existing Building Code, 2012 edition, or to any other existing building code, in all other ordinances of the City of Rockwood, are hereby amended to refer to the International Existing Building Code, 2018 edition, only.

No permit issued under the International Existing Building Code now in effect or hereinafter adopted in the City of Rockwood shall be extended for more than three (3) periods not to exceed one hundred eighty (180) days each.

All resolutions, codes or ordinances adopted by the City of Rockwood in conflict with this ordinance are hereby amended by implication to contain the language of this ordinance as set forth herein. (as added by Ord. #12-43, Aug. 2017, and replaced by Ord. #12-56, Feb. 2019 *Ch3_6-18-19*, and amended by Ord. #13-12, Jan. 2025 *Ch5_01-27-25*)

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. ABANDONED MOTOR VEHICLES.
4. AUTOMOBILE GRAVEYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Stagnant water.
- 13-103. Prohibition of weeds, grass, and overgrown and dirty lots.
- 13-104. Repealed.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Pollution of waters.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city council shall appoint or designate to administer and/or enforce health and sanitation regulations within the city. He or she shall have such powers and duties as are prescribed for such official herein and in the general laws of the state. (1970 Code, § 8-101, as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013)

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 located within the corporate limits. (1970 Code, § 8-105, as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013)

13-103. Prohibition of weeds, grass, and overgrown and dirty lots.
 (1) Pursuant to the authority granted to municipalities, under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(12).

record to create, maintain or permit to be maintained on any parcel of real estate located within the corporate limits of the City of Rockwood,

(a) The growth of grass in excess of eight inches (8") in height for a period of more than seven (7) calendar days;

(b) The growth of vegetation, vines, saplings and/or underbrush in excess of twenty-four inches (24") in height for a period of more than seven (7) calendar days when said growth is within two hundred feet (200') of any other improved and/or occupied property or within two hundred feet (200') of the right-of-way of any street thoroughfare, highway or alley;

(c) The growth of shrubbery, vegetation, hedge row, trees vines, saplings and/or underbrush so near or upon any street, thoroughfare or highway as to obstruct the view of any person driving on said street, thoroughfare or highway or to otherwise constitute a hazard to vehicle and/or pedestrian traffic;

(d) The accumulation of debris in excess of one hundred (100) square feet for more than seven (7) calendar days; and/or

(e) The accumulation of trash, litter and garbage in excess of one cubic yard for more than seven (7) calendar days when not within receptacles manufactured and designed for the storage of trash, litter and garbage.

(2) Application. The provisions of this section shall apply to any parcel of property located within the corporate city limits.

(3) Designation of public officer or department. The city recorder, building inspector, codes enforcement officer or any city police officer is hereby empowered to enforce the provisions of this section.

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

(a) A brief statement that the owner is in violation of this section of the Rockwood Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113,

(b) A brief description of what the record owner must do to bring the property into compliance with this section of the Rockwood Municipal Code,

- (c) The consequences of failing to remedy the noted condition,
- (d) The person, office, address and telephone number of the department of person giving the notice,
- (e) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city, and
- (f) A place where the notified party may return a copy of the notice indicating a desire for a hearing.

If no hearing is applied for, the property shall be brought into compliance within ten (10) calendar days of the notice of violation (or twenty (20) calendar days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage or other materials).

(5) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electric, gas, liquids, steam, sewage or other materials), the department or person empowered to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the Register of Deeds in Roane County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, and the lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to the property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer or department empowered to enforce this section of the Rockwood Municipal Code may appeal the determination and order to the board of mayor and city council. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (4) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the mayor and city council under the appeal provision set forth above may seek judicial review of the order or act. The time period established for remedying the condition set forth in the aforesaid notice shall be stayed during the pendency of judicial review.

The municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property any of the conditions set forth in this section of the Rockwood Municipal Code shall remain in effect, and the City of Rockwood may proceed against the owner, tenant or occupant of property pursuant to the municipal charter, other provisions of this municipal code of ordinances or other applicable law.

(8) Alternate manner of enforcement. If the property owner fails to comply with the time limits specified in § 13-103(5), instead of the city bringing the property into compliance with this section of the Rockwood Municipal Code at the property owner's expense, the property owner may be cited into city court, and subject to fines and court costs. Additionally, any tenant or other non-owner occupant of the property may be cited into city court, and subject to fines and court costs. Fines shall be fifty dollars (\$50.00) per day for each day after the initial time period for compliance set forth in § 13-103(5) that the property has not been brought into compliance with this section of the Rockwood Municipal Code. The city court judge has discretion to waive all or a portion of said fines only if the owner or tenant fully and completely complies with the requirements of this section of the Rockwood Municipal Code within no less than fourteen (14) days from the first court date assigned to the city court citation. If the owner or tenant does not fully and completely comply with the requirements of this section of the Rockwood Municipal Code within said fourteen (14) day period, the city court judge has no discretion to waive the fines, or any portion thereof. (as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013, amended by Ord. #11-95, Nov. 2014, and replaced by Ord. #12-16, Nov. 2015)

13-104. Repealed. (as replaced by Ord. #07-1103, May 2007 and Ord. #11-67, Feb. 2013, amended by Ord. #11-94, Nov. 2014, and repealed by Ord. #12-16, Nov. 2015)

13-105. Dead animals. The term "small dead animal" shall mean the carcass of a fowl or animal no larger than a dog. No dead animal, small or otherwise, shall be placed in a refuse container. However, the city will pick up small dead animals upon request. The person owning or in possession of larger dead animals shall be responsible for their prompt disposal in such manner as the sanitation department of the city shall direct. (1970 Code, § 8-107, as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises such person owns, occupies or controls to be used for human occupation or habitation if such premises does not have functioning utilities, including, but not limited to, running water, sewage disposal and electrical, installed and maintained in accordance with all applicable building,

housing and property maintenance codes, and for which permits have been obtained and complied with. It shall also be unlawful for any person to permit any premises such person owns, occupies or controls to be used in a manner that creates noxious or offensive smells and odors or to allow the accumulation or creation of human waste, or to be used in a manner that causes the breeding or accumulation of flies, rodents or other vermin on the premises or on the premises of people residing in the vicinity.

It shall be the duty of the health officer or any other department or person empowered to enforce this section of the Rockwood Municipal Code to serve notice upon the person owning, occupying or controlling the premises in violation of this section. Said notice shall contain a brief statement that the premises are in violation of this section and a brief description of what must be done to bring said premises into compliance with this section of the Rockwood Municipal Code. If said premises is not brought into compliance with the provisions of this section of Rockwood Municipal Code as set forth in said notice within fifteen (15) days from service thereof, the person owning, occupying or controlling said premises may be cited into Rockwood Municipal Court and subject to fines and court costs. Fines shall be fifty dollars (\$50.00) per day for each day after the initial fifteen (15) day period for compliance as set forth in the aforesaid, notice that the property has not been brought into compliance with this section of the Rockwood Municipal Code, as specified in said notice. This manner of enforcement through the Rockwood Municipal Court is intended as an alternate to all matters of enforcement set forth in all applicable construction, housing and property maintenance codes, and does not supplant or supersede the enforcement procedures set forth in said building, housing and property maintenance codes adopted in the City of Rockwood. (1970 Code, § 8-102, as replaced by Ord. #07-1103, May 2007, Ord. #11-67, Feb. 2013, and Ord. #12-58, March 2019 *Ch3_6-18-19*)

13-107. Pollution of waters. No deleterious or poisonous substance shall be thrown or be caused, permitted, or allowed to run or be washed into any waters, either private or public, in quantities injurious to fish live, or which could be injurious to the propagation of fish. (1970 Code, § 8-104, as replaced by Ord. #07-1103, May 2007, and Ord. #11-67, Feb. 2013)

CHAPTER 2**SLUM CLEARANCE**¹**SECTION**

13-201.--13-214. Repealed.

13-215. Property maintenance code adopted.

13-201.--13-214. Repealed. (as repealed by Ord. #12-45, Sept. 2017)

13-215. Property maintenance code adopted. Pursuant to the authority granted in title 13, chapter 21, Tennessee Code Annotated, the International Property Maintenance Code,² 2018 edition, including all appendix chapters and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of the Rockwood Municipal Code as if copied verbatim, and is hereinafter referred to as the property maintenance code for the City of Rockwood, in the State of Tennessee.

All remaining provisions of § 13-215 shall remain in full force and effect and that no changes or alterations are made to § 13-215(1) or 13-215(2), except all references to the 2012 International Property Maintenance Code contained therein are hereby amended to refer to the 2018 International Property Maintenance Code. (as added by Ord. #12-45, Sept. 2017, as replaced by Ord. #12-56, Feb. 2019 *Ch3_6-18-19*)

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 3

ABANDONED MOTOR VEHICLES

SECTION

- 13-301. Definition.
- 13-302. Public nuisance.
- 13-303. Impoundment and disposal.
- 13-304. Order to remove.
- 13-305. Abatement of public nuisance.
- 13-306. Exceptions.
- 13-307. Violation and penalty.

13-301. Definition. A junked motor vehicle is any motor vehicle, the condition of which is any one or more of the following:

- (1) Wrecked,
- (2) Dismantled or partially dismantled,
- (3) Inoperative,
- (4) Discarded.

An abandoned motor vehicle is such as is defined in Tennessee Code Annotated § 55-16-103.

A motor vehicle for all purposes hereunder is defined as any vehicle which is self propelled and any device in, upon, or by which any person or property is, or may be, transported from one location to another, excepting devices moved only by human power. (Ord. #1004, June 1996)

13-302. Public nuisance. The location or presence of any junked motor vehicle on a lot, tract, or parcel of land, portion thereof, or upon any street, highway, road, or public property of any governmental entity, or upon any property occupied or unoccupied, improved or unimproved, shall be deemed a public nuisance, and it shall be unlawful for any person or other legal entity to cause, maintain, or permit such public nuisance by wrecking, dismantling, tendering inoperable, abandoning or discarding a motor vehicle or vehicles upon the property of another, or to suffer, permit, or allow the same to be placed, located, maintained, or to exist upon real property belonging to such party, but shall not apply to any junked motor vehicle in a completely enclosed building, or to any junked or abandoned motor vehicle in an appropriate storage place officially designed and maintained by the City of Rockwood. (Ord. #1004, June 1996)

13-303. Impoundment and disposal. Junked and abandoned motor vehicles, as defined herein and by reference, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, § 55-16-101 through § 55-16-110 and in instances wherein said state

code sections are not applicable in accordance with the following section of the chapter. (Ord. #1004, June 1996)

13-304. Order to remove. Whenever any junked motor vehicle is found within the City of Rockwood in violation of this chapter, the chief of police or his duly authorized representative shall cause the owner of the vehicle or the occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order and it shall be unlawful for the person, or persons, upon whom said order is served to fail, neglect, or refuse to obey such order within the time prescribed therein. (Ord. #1004, June 1996)

13-305. Abatement of public nuisance. If the premises on which a junked motor vehicle is located contrary to the provisions of this chapter are unoccupied and the owner, or agent, or any person having an interest therein, cannot be found, the chief of police, or his duly authorized representative, shall abate such public nuisance by entering upon the property and impounding and taking into custody the motor vehicle in question and disposing of the same in accordance with the provisions of Tennessee Code Annotated, § 55-16-103 through § 55-16-110, inclusive. Such impoundment and disposition shall not relieve any person or party from any liability or penalty imposed upon conviction for violating other provisions of this chapter but is in addition to any other penalty provided by law. (Ord. #1004, June 1996)

13-306. Exceptions. The provisions of this chapter shall not apply to the following:

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

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

(3) Motor vehicles stored with the permission of the property owner by a member of the armed forces of the United States who is on active duty assignment. (Ord. #1004, June 1996)

13-307. Violation and penalty. Any person, firm, corporation, or other legal entity, violating this chapter upon conviction thereof shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for each offense, and each day of continued violation shall constitute a separate and distinct offense.

The City of Rockwood shall also have the remedy to file proceedings in any state court which has jurisdiction to abate a public nuisance. (Ord. #1004, June 1996, modified)

CHAPTER 4

AUTOMOBILE GRAVEYARDS

SECTION

13-401. Purpose.

13-402. Definitions.

13-403. Violation and penalty.

13-401. Purpose. For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the streets, alleys, and byways within the City of Rockwood. (Ord. #1006, July 1996)

13-402. Definitions. For the purposes of this section "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. "Automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only. (Ord. #1006, July 1996)

13-403. Violation and penalty. Any lot or place which is determined to be an "automobile graveyard" as determined by the above definition, which is not within the proper zoning, does not meet all requirements as set forth in Tennessee Code Annotated, § 54-20-101 through 54-20-123, and is not properly licensed by the State of Tennessee or the City of Rockwood, shall be deemed in violation of this code section; and upon conviction thereof, shall be subject to a civil penalty of not more than \$500.00 for each offense, and each day of continued violation shall constitute a separate and distinct offense.

The City of Rockwood shall also have the remedy to file proceedings in any state court which has jurisdiction to abate a public nuisance. (Ord. #1006, July 1996, modified)

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. ROCKWOOD MUNICIPAL AIRPORT ZONING ORDINANCE.
4. CODES SUPPLEMENT FOR MOBILE HOMES AND TRAVEL TRAILERS.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Planning commission designated as board of zoning appeals.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and a councilman selected by the city council; the other five (5) members shall be appointed by the mayor. All members of the planning commission--board of zoning appeals shall be compensated \$50.00 per month for their services. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for four (4)¹ years each. The five (5) members first appointed shall be appointed for terms of one, two, three, four, and five years respectively so that the term of one (1) member expires each year. The terms of the mayor and the councilman selected by the city council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1970 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1970 Code, § 11-102)

¹Ord. #987 (March 1995) changed the term of office of planning and zoning board members from 5 to 4 years and provided further that "... this Ordinance shall not affect the term of office of any existing board members, but shall take effect with all future appointments."

14-103. Planning commission designated as board of zoning appeals. The Rockwood Regional Planning Commission is hereby designated the Rockwood Municipal Board of Zoning Appeals and assigned the duties authorized by TCA, the Rockwood Zoning Code and as may be assigned by this council. (1970 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Rockwood shall be governed by Ordinance #706, titled "Zoning Ordinance, Rockwood, Tennessee," and any amendments thereto.¹

¹Ordinance #706, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

CHAPTER 3

ROCKWOOD MUNICIPAL AIRPORT ZONING ORDINANCE

SECTION

14-301. Airport regulations to be governed by the airport zoning ordinance.

14-301. Airport regulations to be governed by the airport zoning ordinance. Regulations governing airport regulations within the City of Rockwood shall be governed by Ordinance #624, titled "The Rockwood Municipal Airport Zoning Ordinance" and any amendments thereto.¹

¹Ordinance #624, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 4

**CODES SUPPLEMENT FOR MOBILE HOMES
AND TRAVEL TRAILERS****SECTION**

- 14-401. Statement of policy.
- 14-402. Administration.
- 14-403. Definitions.
- 14-404. General.
- 14-405. License required for trailer court.
- 14-406. Requirements for permanent occupancy.
- 14-407. Mobile home parks.
- 14-408. Mobile homes on individual lots.
- 14-409. Requirements for temporary occupancy.
- 14-410. Travel trailer parks.
- 14-411. Legal and enactment provisions.

14-401. Statement of policy. It is the policy of the City of Rockwood to recognize that:

(1) Mobile homes, when located in a suitable environment and appropriately regulated to protect the public health, safety, and general welfare, constitutes:

(a) A legitimate and meaningful addition to the permanent housing supply, and

(b) A satisfactory and convenient means to meet sudden high demands for housing for limited durations or special temporary needs, and

(2) Travel trailers, when suitably situated and regulated, play a useful role in providing temporary housing for those engaged in vocational, recreational, or other travel and to so permit and regulate mobile homes and travel trailers.

It is the intent of this chapter to insure the fitness for habitation of such structures by requiring their placement in environmental situations which are reasonably related to the type of occupancy involved. It is further intended that those who choose to reside permanently in mobile homes be encouraged to locate in mobile home parks designed for such living rather than to attempt to supplement the somewhat limited living facilities of a mobile home on a conventional single-family lot. (1970 Code, § 4-601)

14-402. Administration. This codes supplement is hereby declared to be remedial for the purposes and in the manner cited in the appropriate sections of the building, plumbing, electrical, gas, and housing codes, inclusive, as incorporated by reference in title 12, in its application to trailer coaches, existing

or hereafter repaired, altered, or constructed in the City of Rockwood. The scope of such application and the requirements for maintenance shall be the same as is referred to in the appropriate section of the housing code.

The building official of the City of Rockwood is hereby declared to be the administrator of this codes supplement. In enforcing the provisions of this chapter, he shall have the same restrictions, powers, and duties as in enforcing the provisions of the other chapters of this title.

A building permit is required for the construction of any mobile home or travel trailer park or emplacement of a mobile home on an individual site, together with the required site improvements, according to applicable provisions in the building and plumbing codes, with the following exceptions and modifications:

- (1) The value of any mobile home unit(s) not constructed on the premises shall be excluded from valuation for permit fees purposes;
- (2) No fee shall be charged and no permit necessitated by the moving of a trailer coach onto a stand in a duly licensed mobile home park or travel trailer park; and
- (3) The provisions applicable to buildings and structures are similarly applicable to the site improvements required in this chapter.

No mobile home park, travel trailer park, or individual mobile home shall be occupied until after the building official has issued a certificate of occupancy therefor according to the provisions of the Standard Building Code which is incorporated by reference herein. Said certificate shall state the maximum number of persons permitted to occupy a mobile home or a bedroom therein, and occupancy by a greater number of persons than permitted by this chapter shall be a violation, punishable as such. A certificate of occupancy is not required for placement on a stand of a trailer coach in a duly licensed mobile home or travel trailer park, but a certificate of occupancy is required for the park itself.

The board of appeals as heretofore established for appeals from the provisions of title 12 shall have similar jurisdiction and procedure re the provisions of this chapter.

Any person, firm, corporation, or agent who shall violate a provision of this code shall be guilty of a misdemeanor. Each and every day or portion thereof during which a violation is committed or continued shall be deemed a separate offense, punishable as such. (1970 Code, § 4-602)

14-403. Definitions. The terms used in this chapter have meanings consistent with those defined in Tennessee Code Annotated, § 68-101-101(a) which section is hereby incorporated by reference into this section, and is herein classified and supplementarily defined as follows:

- (1) "Trailer court" is either:
 - (a) A "mobile home park," in which spaces are intended for permanent occupancy as evidenced by condominium ownership or long term rental; or

(b) A "travel trailer park," in which spaces are intended for temporary occupancy as evidenced by short term rental.

(2) A "mobile home" is an "independent trailer coach" (or other detached single unit) eight (8) feet or more in body width when occupied which is:

(a) Designed for long-term occupancy and provided with sleeping accommodations, flush toilet, bath, kitchen facilities, and plumbing and electrical connections for attachment to outside systems;

(b) Designed to be delivered on its own wheels (or on flatbed or other trailer or on detachable wheels) to the site on which it is to be occupied; and

(c) Delivered to such site complete with built-in major appliances and furniture ready for occupancy except for incidental unpacking and assembly, location on foundation supports, and connection to utilities.

(3) A "travel trailer" is an "independent trailer coach" or other vehicular or portable structure (pick-up, piggyback, or motorized camper, converted bus, or tent-trailer) not more than eight (8) feet in body width in portable form; designed for temporary occupancy while on vocational, recreational, or other trip; and provided with sleeping accommodations and either:

(a) Water storage facilities, flush toilet, and liquid waste holding tank to which toilet, bath, and kitchen sink are connected, or

(b) Flush toilet and (if provided) lavatory, bath, and kitchen sink all connectable to external water supply and sewage systems.

(4) A "partial travel trailer unit" is a "dependent trailer coach," or any other vehicular or portable structure designed for temporary occupancy while on vocational, recreational, or other trip and which does not meet either of the definitions as a "mobile home" or a "travel trailer." (1970 Code, § 4-603)

14-404. General. All trailer coaches shall provide for a healthful environment, with living and service facilities arranged and equipped to assure such a condition. Where such living and service facilities are not provided by the trailer coach itself, they shall be provided, consistent with the type of occupancy, by the park or site in or on which the trailer is to be occupied, according to the provisions of this chapter.

The City of Rockwood shall not provide nor permit another to provide (either public or private) utility services such as water, gas, electricity, sewer, etc., to any trailer coach not meeting the provisions of this title.

No trailer coach shall be parked in any public right-of-way or in any drive of any trailer court for periods in excess of one hour except in case of emergency involving repairs. No trailer coach shall be used for overnight occupancy in any place, public or private, except a duly licensed trailer court or other place authorized by a temporary permit according to the provisions of this chapter.

No trailer court licensee shall permit any tenant or other person who is the owner of any dog, cat, or other pet animal to allow such animal to run at large or commit any nuisance within the trailer court. (1970 Code, § 4-604)

14-405. License required for trailer court. (1) It shall be unlawful for any person to maintain or operate within the corporate limits of the city any trailer court unless such person shall first obtain a license therefor.

(2) The license fee for each trailer court shall be \$25.00 per annum. The license shall expire at 11:59 P.M. on December 31 of the year for which issued. The fee for the transfer of a license shall be \$5.00.

(3) Application for an initial license shall be filed with the city recorder. Applications shall be in writing, shall be accompanied by three (3) copies of appropriate plans prepared by a registered engineer or architect (or other such person approved for such submissions by the building official), and shall contain information as follows:

(a) Name and address of the applicant.

(b) Location and legal description of the trailer court.

(c) Plot plan of the court, at scale of 1" = not more than 100', indicating spaces or areas for the placement of mobile homes, travel trailers, and/or partial travel trailer units and park facilities.

(d) Utilities plan, at scale of 1" = not more than 100', showing size and location of all gas, water, sanitary sewer, electric, and telephone lines, and connection points for trailer coaches, night lighting system, and fire protection system.

(e) Site features plan, at scale of 1" = not more than 100', showing location of park drives and walks, parking bays or areas, tenant storage facilities, trailer coach stands, surface water drainage pattern, drainage structures, areas of disturbed soil, and existing and proposed planting and screening.

(f) Floor plans and specifications of any community or service buildings or other structures.

(g) A scaled layout of typical trailer coach sites or integrated grouping of sites.

(h) Such further information as may be requested to enable the city to determine if the proposed court will comply with legal requirements.

(4) Upon certification by the chief of police, after investigation, that the applicant is of good moral character and upon the issuance of a building permit by the building official, the city recorder shall approve the application and, upon completion of the court according to the plans, as evidenced by issuance of a certificate of occupancy therefor, issue the license. Said license shall be displayed in the office of the trailer court.

(5) The application for an annual license reissuance for any trailer court except a temporary mobile home park permitted under the provisions of

§ 14-409(2) will be accepted and, upon the payment of the requisite fee, a new license issued by the city recorder at any time not more than thirty (30) days prior to expiration of the old license. After a not longer than fifteen (15) days grace period following the expiration of the old license, maintenance or operation of any trailer court without a valid license therefor shall be deemed a violation of this chapter. After expiration of the limited time for which a temporary mobile home park is permitted, renewal shall be denied subject to the action of the board of appeals pursuant to § 14-409(2) of this code.

(6) Upon application, the city recorder shall issue a transfer of the license if the chief of police reports that the transferee is of good moral character.

(7) The city recorder may revoke any license when the licensee fails to comply with any provision of this code or is found guilty of violating any health or sanitation law of the State of Tennessee or of the City of Rockwood or of a crime involving moral turpitude by a court of competent jurisdiction or when any health official or when the building official has issued a proper order that has not been complied with by the licensee. After such revocation, a new license may be issued if the circumstances leading to the conviction or official order have been remedied and evidence is offered that the park can be maintained and operated in full compliance with the law.

(8) Appeals arising under provisions for license application, issuance, transfer, and revocation may be taken to the board of appeals.

(9) All trailer courts in existence upon the effective date of this chapter (April 28, 1967) shall within ninety (90) days thereafter obtain a license as required by this section and comply, on the existing site, as fully as possible, in the opinion of the building official, subject to such conditions and site improvements as the building official shall require, with the requirements of this chapter, title 12, and other pertinent provisions of this Rockwood Municipal Code and general statutes. (1970 Code, § 4-605)

14-406. Requirements for permanent occupancy. (1) No independent or dependent coach other than a mobile home as herein defined shall be occupied for periods of thirty (30) days or longer, except as provided in § 14-409 below. Any mobile home occupied for thirty (30) days or longer shall meet the provisions of this chapter and of the pertinent sections of the other chapters in this title of this code unless modified by this chapter.

(2) No mobile home shall be deemed fit for human habitation of a permanent nature unless either it is located in and served by the necessary group facilities of a mobile home park as regulated by § 14-407 below or with the necessary site features for individual unit use as a single family dwelling on its individual lot as regulated by § 14-408 below.

(3) No mobile home shall be provided with any attached accessory structure not designed by the manufacturer to be so attached and not conforming generally to the type of construction of the principle mobile home

unit. No accessory structure, whether attached or detached, shall exceed in height, above the finished grade, that of the principle mobile home occupying that site or space.

(4) Because the mobile home is generally designed by the manufacturer as a compact unit, with furniture carefully arranged, space conservation worked out in detail, and excellent ventilation provided, the standards for minimum space of dwelling units and rooms occupied for sleeping purposes of Section 306 of the Standard Housing Code, adopted by reference in title 12 are hereby varied in their application to mobile homes as follows:

(a) Every mobile home located in a park in which the building official has made a finding that a community building provides sufficient space for indoor leisure and recreation shall contain at least one hundred and fifty (150) square feet of habitable floor area for the first occupant, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.

(b) In every mobile home, every room or compartment occupied for sleeping purposes by one occupant shall contain at least fifty (50) square feet of floor area, and every room or compartment occupied for sleeping purposes by more than one occupant shall contain at least thirty-five (35) square feet of floor area for each occupant.

(5) Every mobile home shall have a safe and unobstructed primary exit and an emergency exit located remotely from the primary exit. (1970 Code, § 4-606)

14-407. Mobile home parks. The following regulations shall apply to mobile home parks:

(1) In order to insure that mobile home parks are adequately maintained to provide a healthful, safe, and quiet residential environment, each such park shall be of sufficient size and shape to enable the operation thereof to be efficient and economical. No parcel of land containing less than six (6) acres or one block, whichever is less, and no operation providing less than twenty-five (25) trailer coach spaces available at first occupancy may be licensed for a mobile home park.

The parcel shall be reasonably compact in shape in order to minimize the adverse effects, if any, to and from adjacent land uses. The minimum dimension of the park shall be four hundred (400) feet.

(2) Each mobile home space shall contain ample room to insure that no mobile home shall be located closer than:

(a) Eight (8) feet from any common walk;

(b) Fifteen (15) feet from any interior park drive serving less than two hundred (200) mobile home spaces or twenty (20) feet from any entrance drive or any interior drive serving more than two hundred (200) spaces;

(c) Twenty (20) feet from any other mobile home stand or any park, outdoor recreation area, or automobile parking area; or

(d) Fifty (50) feet from any park, community or service building, laundry, drying-yard, public street right-of-way line, or other property line.

(3) The following required improvements are hereby declared the minimum necessary in order to insure that a mobile home park is suitable for human habitation:

(a) Internal driveway and walkway improvements shall be made to provide a continuous system connecting the existing or planned public street system, each mobile home space or integrated grouping of spaces, and the facilities of the park.

Drives shall be adapted to topography and shall have suitable alignment and gradient for safety of traffic, for surface and ground water drainage, and for proper functioning of sanitary and storm sewer systems.

Any entrance drive serving more than two hundred (200) mobile home spaces shall be divided and channelized at its intersection with the public street system for a distance of seventy-five (75) feet from the public right-of-way. Each such divided driveway lane shall not be less than ten (10) feet wide separated by a not less than eight (8) feet wide grass median and provided with a minimum inside turning radius of thirty (30) feet at the point of turning from or into the public street. Such entrance drives shall be constructed to a design speed of not less than twenty (20) miles per hour.

Interior drives shall be constructed to a design speed of not less than fifteen (15) miles per hour. They shall be not less than nine (9) feet wide if one way with no parking and if serving not more than twenty-four (24) mobile home spaces.

They shall not be less than eighteen (18) feet wide if two-way with no parking and if serving not more than two hundred (200) mobile home spaces (but a two-way cul-de-sac with minimum eighty (80) feet diameter paved turnaround with no parking, serving not more than six (6) spaces, may be fourteen (14) or more feet wide).

Any drive (or divided lane) serving more than the above limited number of spaces shall be increased in width by two (2) feet. An entrance drive or any drive serving more than two hundred (200) spaces shall have a vertical gradient of not greater than nine (9) per cent; any drive serving from twenty-five to two hundred (200) spaces should have a vertical gradient of not greater than eleven (11) per cent; any other drive shall have a vertical gradient of not greater than thirteen (13) per cent.

Improvements to drives shall consist of a six-inch base of "crusher-run" stone and a two-inch wearing surface of plant-mixed asphaltic concrete with rolled concrete curbs (or equivalents) constructed

in accordance with standard engineering practice. Drives shall be graded to a width at least six (6) feet wider than the edge of the pavement and otherwise be sufficient in width to provide a reasonable level space for utilities installation and pedestrian walks.

Concrete pedestrian walks, constructed on a suitably prepared base according to standard engineering practice, shall not be less than four (4) inches thick (not less than six inches where crossed by automobile drives or parking space access) and not less than four (4) feet wide. Walks may be adjacent to drives, or they may form a separate system.

Walks and drives shall be lighted at night at an average intensity of not less than 0.4 lumens per square foot according to standard engineering practice.

(b) Park facilities shall be provided for the administration and maintenance of the park, grounds, and facilities and to supplement the limited facilities of the individual mobile homes therein.

(i) A management office shall be provided in a permanent building containing a desk for registration of occupants. The office shall also have appropriate furniture and supplies and a central bank of mailboxes, one for each mobile home space unless the post office provides individual distribution.

(ii) A management storage space shall be provided in a permanent structure containing adequate space for storage and maintenance of utility connection supplies in quantity, mobile home accessories, and park and mobile home maintenance materials and equipment.

(iii) A laundry shall be provided in one or more permanent buildings convenient to mobile home spaces, equipped with at least two automatic washers, one dryer, and five hundred (500) square feet of laundry drying yard, unless in the opinion of the building official, sufficient laundry facilities are otherwise available.

For parks containing more than thirty (30) mobile home spaces, additional washers shall be provided at the rate of one per additional twenty (20) spaces or fraction thereof and additional dryers at the rate of one (1) per additional forty (40) spaces or fraction thereof. Alternatively additional drying yard may be substituted for not more than one-half the required number of dryers at the rate of 1,000 sq. ft. per dryer. The board of appeals may vary these requirements only on condition that an appropriate number of mobile home spaces be reserved for mobile homes with factory installed laundry equipment.

At each laundry location there shall be provided for each sex at least one lavatory and one water closet in a distinctly-marked room with sound-resistant walls and with a vestibule or screen which prevents outside view when the door is open.

All such laundry and toilet facilities shall be maintained in a safe and sanitary condition in good working order. The building in which they are housed shall be appropriately heated and ventilated according to standards of title 12.

(iv) A permanent park community building for indoor leisure, recreation, and entertainment of guests shall be provided. Features shall include a community kitchen for the incidental preparation and serving of food and drink appropriate to a social occasion, toilets for each sex provided as at laundry locations above, and appropriate areas for indoor recreation for all age groups. The total usable floor space for such purposes shall be not less than one thousand (1,000) square feet, and for parks with numbers of mobile home spaces greater than thirty (30), an additional two hundred (200) square feet of space shall be provided for each ten (10) additional spaces or fraction thereof. The community building shall be appropriately heated, ventilated, and furnished.

The park office, storage space, and/or laundry may be housed in the same structure or grouping as the community building. However, space devoted to these functions shall not be included in the space required for leisure, recreation, and entertainment. Moreover, adequate separation of laundry and storage areas from community areas shall be maintained. Toilets may be jointly accessory to the different functional areas if provided in the same building.

(v) An outdoor recreation area shall be provided. Area devoted to such purposes shall be appropriately developed for active and passive outdoor functions for all age groups and appropriate physical and vegetative separations shall be maintained between areas devoted to different specialized uses. This area shall be located convenient to the park office and community building to enable convenient supervision of outdoor activities by reasonable and responsible persons.

The amount of land so developed shall be not less than twenty-thousand square feet in area, the minimum dimension of such area being fifty (50) feet. This area may include the site for the community building. However, no area devoted to laundry drying, automobile parking, or other similarly utilitarian function shall be counted as part of the required outdoor recreation area. For parks with numbers of mobile home spaces in excess of thirty (30), an additional two hundred (200) sq. ft. of such area per additional space shall be required.

(vi) Accessory and guest parking for the park shall be provided in the vicinity of the office, laundry, and community

buildings and recreation areas in parking bays (paved with a base equivalent to not less than four (4) inches of "crusher-run" stone compacted on a suitably prepared subgrade and with not less than a two-inch wearing surface of plant-mix asphalt) with marked spaces (9' x 20'), and with adequate similarly paved maneuvering space.

The required number of accessory parking spaces shall be provided adjacent to each facility as follows: office--two parking spaces; laundry--two parking spaces plus one parking space for each washer; and community building and outdoor recreation area--four (4) spaces plus one parking space per each ten (10) mobile home spaces or fraction thereof in the park.

(vii) A refuse collection center shall be provided to enable park residents to dispose of garbage and trash in a safe manner without creating a nuisance or an unsanitary condition. This center shall be of sufficient storage capacity to enable the public collection schedule to be met without overfilling containers provided. The center shall be located convenient to the public right-of-way or in a location arranged between the park licensee and the maintenance supervisor of the City of Rockwood.

(viii) A park-wide water and sewer system leading from a master connection with supplied public utilities to each mobile home space shall be provided according to the provisions of the Standard Plumbing Code, incorporated by reference in title 12. In no case shall outside valves or traps be required which duplicate those already provided inside a mobile home unit by a manufacturer subscribing to national standards of mobile homes manufacturers, nor shall any custom-fitted device be required which differs from national or statewide mobile home standards.

(ix) A park-wide electrical power system, primary electrical distribution lines, and service equipment may be installed and maintained by the Electric Power Board of Rockwood serving the entire park (or major sections thereof not smaller than twenty-four (24) spaces) and meters may be overhead or underground.

Feeders (secondary distribution lines to individual spaces or groupings of spaces), in general, shall be installed underground and maintained by the park. Feeder systems or parts thereof may be installed above ground in connection with mid-block fences or walls, under canopies of covered walkways, or in similarly protected locations, or overhead on acceptable type poles of suitable height, number, and location to blend unobtrusively with the residential character and appearance of the park, provided such above ground or overhead installation is in accordance with

the detailed plans submitted in the application for the trailer court license. In evaluating the plan, prior to issuance of a building permit, the building official shall consult with the Electric Power Board for location of primary and feeder systems.

(x) A park-wide fire protection system, equipped with standard fire hydrants connected to a water supply capable of delivering at least 500 g.p.m. for a duration of not less than two (2) hours shall be available within five hundred (500) feet of each mobile home space or park building. Locations shall be determined by the fire chief of the City of Rockwood. Mains connecting such hydrants with the public water system shall be not less than six (6) inches in diameter if looped or eight (8) inches in diameter if dead-end. The fire protection system may be integrated with the park water supply system.

Fire alarm boxes shall be provided for the park at locations and in numbers determined by the fire chief.

Cooking shelters, barbecue pits, wood, or coal burning stoves and fireplaces, and incinerators, if provided, shall be so located, constructed, maintained, and used so as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended and all open fires shall be extinguished before occupants of spaces retire or leave the area. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Any community area designated by the fire chief as a fire hazard area shall be equipped with such extinguishing equipment, maintained in good working order, as he may direct.

(c) Park site improvements shall be required commensurate with the standards for living in conventional housing in the City of Rockwood to ensure a home-like atmosphere, suitable in appearance and liveability for occupants of the park.

The park shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other site features shall be preserved to the extent practicable.

(i) Site grading shall be accomplished to such extent and in such manner that the finished grade will provide diversion of water away from buildings, patios, and mobile home stands; prevent standing water and soil saturation detrimental to structures and to park and mobile home space use; provide disposal of storm water from the park either in drainage structures or unpaved drainage swales to off-site drainageways, the permanence and maintenance of which is assured by easements, public right-of-way, or other means; contain in all exposed area a

sufficient depth of workable topsoil, free of lumps, debris and stones, of sufficient fertility to sustain vigorous plant growth. To this end, topsoil existing on the site prior to any grading shall be removed from all areas to be paved or occupied by structures, stock-piled, and distributed to exposed areas of the park.

(ii) Lawn and other ground cover shall be provided where needed to prevent erosion of slopes and swales and to obtain usable yards for individual mobile home spaces. Such ground cover shall be maintained as a thick permanent stand on all park areas except those covered by structures, paved, or an otherwise surfaced area and planting beds, and except on undisturbed areas such as woods which are to be preserved in their natural state.

(iii) Trees and shrubs planted shall be hardy, appropriate to their use and location, and planted so as to thrive with normal maintenance.

(iv) Screen plantings are required to screen objectionable views, including but not limited to all laundry drying yards, refuse collection centers, adjacent non-residential uses, and views of rear yards of adjacent properties.

(v) Plantings of trees and shrubs shall be made to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare, and to afford summer shade. Community areas shall be liberally landscaped.

(d) Improvements to each mobile home space shall be required as follows:

(i) Permanent lot markers, flush with the ground, locating lot limits approximately the same as on the approved plans (accuracy to one (1) foot).

(ii) A permanent mobile home stand, constructed of six inches of concrete on a suitable subgrade. Size of stands shall be not less than 10' x 45'; however, not less than 50 per cent of stands shall be not less than 10' x 50'.

(iii) An accessway not less than twelve (12) feet wide shall be provided to each mobile home stand, reserved for maneuvering the mobile home into position, and kept free from trees and other immovable obstructions. Pavement of the accessway is not required.

(iv) Parking space for automobiles shall be provided in parking bays at the rate of one parking space for residents and one parking space for guests for each mobile home space. Such bays shall be constructed of not less than four (4) inches of "crusher-run" stone compacted on a suitably prepared subgrade

and with not less than a one-and-one-half-inch wearing surface of plant-mix asphalt.

Such bays shall be so located that each 9' x 19' parking space therein shall be at least seven (7) feet distant from the edge of the traveled way of any park drive and that each parking space designated to serve a particular mobile home space shall be not farther than one hundred (100) feet from its stand.

However, where park drives are eight (8) feet wider than the minimum prescribed in § 14-407(3)(a), the required parking bay for mobile homes shall be reduced according to the number of spaces provided thereby. Moreover, where mobile homes are clustered in integrated groupings, the total required parking for the bay for that cluster shall be:

4 mobile home spaces - - 6 parking spaces

5 mobile home spaces - - 8 parking spaces

6 mobile home spaces - - 9 parking spaces

(e) A permanent patio not less than 200 square feet in area with a minimum dimension of ten (10) feet shall be convenient to the entrance of the mobile home, appropriately related to the open areas of the lot and other facilities, and fitted to the terrain. It shall be paved with a permanent and attractive material, appropriately landscaped for privacy, and provided with at least one double 110 volt electrical outlet for outdoor use.

(i) Tenant storage facilities of not less than ninety (90) cubic feet per mobile home space, provided on the lot or in compounds located generally not more than one hundred (100) feet from each stand served, shall be designed in a manner in keeping with a residential appearance, shall be constructed of suitable weather resistant materials, and shall have a four (4) inch concrete floor.

(ii) Site grading and planting improvements required for the park as a whole in § 14-407(3)(c) shall be similarly provided on each mobile home space.

(iii) Tenant on-site refuse containers of sufficient capacity to hold accumulations of garbage and trash between scheduled collections by the park management. Such interior collections shall be timed to meet municipal collections of park refuse from the park refuse collection center. Such containers shall be provided with a concrete pad and areas adjacent shall be so landscaped and screened as not to present an ugly appearance or to interfere with pleasurable residential living. Containers may be provided for mobile home spaces or for groups of spaces, but any container shall be generally not more than one hundred (100) feet from each stand served.

(4) The licensee of each mobile home park is required to keep a register of all occupants of the park. This register shall be available at all times to law enforcement officers, public health officials, and other officials whose duties require such information. Records pertaining to departed occupants shall not be destroyed for a period of three (3) years following their departure. The register shall contain the following information:

(a) Names of all occupants of the mobile home quartered on each designated space and ages of minors.

(b) Make, model, and year of the mobile home occupied and serial number, state, and license number, or other designation or description.

(c) Occupant capacity of the mobile home and each bedroom provided therein, according to § 14-406 of this chapter.

(d) Date of registration and departure of the mobile home and its occupant. (1970 Code, § 4-607)

14-408. Mobile homes on individual lots. Mobile homes on individual lots may be permitted in the City of Rockwood only if provided with the following improvements to site and lot necessitated to supplement the limited interior space and facilities of a mobile home, designed by manufacturers for living in and served by the group facilities of a mobile home park.

(1) Individual connection with permanent and appropriate traps and fittings to both a public water supply and a public sanitary sewer.

(a) The lot requirements for a mobile home shall be the same as required for residences as defined in the zoning ordinance.

(b) A deposit of one hundred and fifty dollars (\$150.00) shall be deposited with the city recorder for each trailer or mobile home permit issued by the building inspector. The deposit shall be returned if, within 90 days from the date the permit was issued, the mobile home is brought into compliance with the mobile home ordinance, and approved by the building inspector. If the mobile home is not brought into compliance with the ordinance within ninety (90) days from the date the permit is issued, the deposit is to be forfeited.

(c) It shall be unlawful for any person to own or occupy any mobile home within the corporate limits of Rockwood unless all state registration taxes due thereon have been paid.

(2) Individual connection to public electric power.

(3) A permanent concrete or masonry foundation, closed and vented, designed to bear the mobile home designated for permanent occupancy of the lot, constructed according to the provisions of title 12.

(4) A permanent storage building, constructed from weather-resistant materials similar in nature and design with the mobile home proposed for the lot. Storage space shall be provided not less in amount than one-hundred-sixty (160) cubic feet in volume, the smallest dimension of which is four (4) feet.

Additional space may be provided if feasible underneath the mobile home unit. Any such space devoted to storage or service shall be constructed with a four (4) inch concrete floor.

(5) A permanent patio, paved with permanent, attractive material, appropriately landscaped for privacy, and provided with at least one double 110-volt electrical outlet for outdoor use. The patio shall be convenient to the entrance of the mobile home and appropriately related to the open areas of the lot and to the carport.

The patio shall be sufficiently large in area to provide a total usable living area, indoor and outdoor, commensurate with that of typical single-family dwellings in Rockwood, an area hereby declared to be not less than one thousand (1,000) square feet and the number of square feet of the usable floor space provided inside the mobile home, but in no case less than two hundred and forty (240) square feet. The patio shall be reasonably compact in shape, the minimum dimension being fifteen (15) feet for patios with an area of three hundred square feet and greater or twelve (12) feet if less than three hundred square feet in area.

The patio may be partially or totally roofed in a manner consistent with the design and construction of the mobile home.

(6) A concrete walk of standard construction and a minimum width of three (3) feet and a minimum thickness of four (4) inches shall extend from the mobile home entrance to the street pavement, a public walk, or a driveway connecting thereto. A service walk of a minimum width of two (2) feet shall connect the main walk or mobile home entrance with the storage and service area, patio, refuse area, and accessory parking.

(7) Lawn and ground cover shall be planted in all exposed or disturbed areas of the lot not occupied by structures. Shrubs, trees, and screen planting shall be provided in accord with the principles and standards for residential living stated in § 14-407(3)(c) of this chapter. Soil may be made fertile and capable of supporting vigorous growth. Planting in undisturbed areas of the lot may be omitted when, in the opinion of the building official, sufficient and suitable existing vegetation is present to prevent erosion and to provide shade and amenity for living.

(8) A refuse storage area, adequately screened not to be easily visible from the walk, patio, public street, or front yard of adjoining property and located convenient to appropriate lot areas.

(9) Any roofed carport, if provided, shall be constructed on a four-inch concrete pad 10' x 20' in area. Materials used in the superstructure of such carport shall be compatible with the type of construction of the mobile home unit.

The carport shall be connected with the public street by a driveway. Not less than one guest parking space shall be provided, but may be part of the driveway. (1970 Code, § 4-608)

14-409. Requirements for temporary occupancy. Mobile homes, travel trailers, and partial travel trailer units are permitted for temporary occupancy under the following conditions and circumstances:

(1) A single mobile home or travel trailer may be placed on a lot where the applicant shows it is necessary to provide for the grading of a construction site or the care of a sick or infirm person who resides on that lot. In such cases a temporary permit may be granted by the building official for a period not exceeding three (3) months, renewable for periods not exceeding a total of one (1) year. A condition for issuance of such permit is that cooking, sleeping and living space and waste disposal for the number of persons occupying such single mobile home or travel trailer shall be provided consistent with this chapter and other pertinent laws. The applicant shall pay to the City of Rockwood a fee of fifty dollars (\$50.00) for the issuance of said temporary permit.

(2) A temporary mobile home park may be licensed, consistent with the spirit of § 14-407 in this chapter, where the applicant shows there is a sudden and temporary high demand for housing in the Rockwood area caused by a large construction project, a natural disaster, or other situation which cannot be met by permanent housing available in the community. In such cases, such a license may be issued for a period of not to exceed one (1) year, renewable only upon action of the board of appeals upon a showing of continued necessity for not more than one additional period not to exceed one (1) additional year.

In varying the requirements of § 14-407 for this purpose the board of appeals may allow: drives, walks, and mobile home stands to be of gravel; park office, community, and service buildings to be of temporary construction; outdoor recreational area developed minimally; guest parking spaces omitted and parking bays and areas of gravel; utilities provision to be minimal and electric distribution to be overhead; park site improvements such as trees and shrubs requiring several years to reach maturity to be substituted with other temporary or fast-growing planting; and patios to be of temporary construction. The board of appeals shall not vary space and sanitation requirements only because of the temporary nature of the occupancy.

(3) A travel trailer park may be licensed, provided rentals of spaces are for periods of the day or week, and occupancy is for total periods not to exceed thirty (30) days by any tenant. Such travel trailer parks shall meet the requirements of § 14-410 below. (1970 Code, § 4-609, as amended by Ord. #11-98, Feb. 2015, and Ord. #12-21, May 2016)

14-410. Travel trailer parks. The following regulations shall apply to travel trailer parks:

(1) The site on which the travel trailer park is located shall be of adequate size to provide a healthful, safe, and reasonably quiet environment and to minimize the adverse effects, if any, to and from adjacent land uses. The minimum number of spaces for trailer coaches available at first occupancy shall be four (4). Each such space shall have ample room to insure that the unit occupying that space shall be no closer than:

- (a) Eight (8) feet from any common walk;
- (b) Twenty (20) feet from any interior park drive, any other stand for a trailer coach, or any common recreation or other area;
- (c) Fifty (50) feet from any park building or service facility, non-residential building on the lot, parking lot or other structure serving such non-residential building, other property line, or public right-of-way line.

(2) The following required improvements are hereby declared the minimum necessary in order to insure that a travel trailer park is suitable for temporary human habitation.

(a) Adequate lighted internal driveway and walkway improvements equivalent to the standards set by § 14-407(3)(a) for mobile home parks. However, the entrance drive may be shared with another use to which the travel trailer park is accessory, according to the provisions of the zoning ordinance.

(b) Park facilities shall include:

(i) A management and registration office in a permanent building reasonably proximate to the park entrance;

(ii) Adequate management storage space;

(iii) A self-service laundry of minimum size, according to standards for mobile home parks, unless such is available commercially within one-half mile of the park; and

(iv) Toilet and bathing facilities consisting of at least one lavatory, one water closet, and one shower stall, distinctly marked for each sex; maintained in a clean, safe, and sanitary condition; maintained in good working order; housed in a permanent building; and appropriately heated and ventilated. Such facilities shall be for the exclusive use of occupants of the travel trailer park and shall be located no farther than two hundred (200) feet from the spaces served. Where spaces are made available for tent campers or other partial travel trailer units, additional toilet and bathing facilities shall be required at the rate of one additional lavatory, water closet, and shower stall for each sex for each ten (10) additional trailer coach spaces available for such use.

(v) Provision for outdoor cooking and eating, including at least one outdoor barbecue and one picnic table for each five (5) trailer spaces or fraction thereof. At least one source of water shall be provided. A covered picnic shelter shall be provided at any cooking area(s). Such shelter shall be of suitable permanent construction on a not less than four (4) inch concrete slab having minimum dimensions of 10' x 20'. Such shelter may be built integrally with the toilet and bathing facilities, provided there is adequate separation of functions.

(vi) Outdoor recreational area, provided proximate to the park, of a minimum area of 5,000 square feet appropriately developed for the first five (5) spaces and one hundred (100) additional square feet per additional trailer coach space. Such areas may include the picnic area but no space devoted to service or parking or other utilitarian functions shall be counted toward the required recreational areas. Recreational area may be shared with additional area for recreation for a motel, restaurant, or other similar joint use provided space is sufficient for all users under these standards.

(vii) Accessory parking at the rate of one (1) parking space per trailer space at each trailer space located so that disconnection of the trailer from the car is not necessary.

(viii) A refuse collection center.

(ix) A water and sewer system, with connections to each trailer coach space as for mobile home parks at all spaces except for those reserved for tent camping or other use by partial travel trailer units, in which case suitable alternative provisions shall be made.

(x) If spaces are to be rented to travel trailers with waste holding tanks, at least one (1) sanitary station in a well-screened location, consisting of a drainage basin constructed of impervious material, containing a disposal hatch with self-closing cover, and related washing facilities including at least one (1) slop sink or slop water closet. Each disposal hatch shall be connected to the park sewerage system. Facilities required to wash holding tanks and the area around the sanitary station shall be situated not farther than two-hundred (200) feet from any space available for trailer coaches equipped with waste-holding tanks and not closer to any trailer stand or cooking or eating area than fifty (50) feet.

(xi) Park site improvements equivalent to the standards for mobile home parks established in § 14-407(3)(c).

(xii) A fire protection system equivalent to the standard established for mobile home parks. Similar observance of rules for fires as those for mobile home parks shall be required.

(c) Improvements to each trailer coach space shall include:

(i) A trailer coach stand composed of not less than six (6) inches of compacted gravel or other suitable material of a size not less than 10' x 30' and a clear accessway from the park drive to the stand at least ten (10) feet wide.

(ii) A tenant refuse container on a four (4) inch concrete pad, unless provided for groups of spaces not farther than two

hundred feet from each stand served. The park management shall make daily collections.

(iii) A weatherproof electrical connection supplying 110 volts.

(iv) Water and sewer connections except to those spaces reserved for tent campers in which one outdoor water hydrant shall be provided to such space.

(3) The licensee of each travel trailer park shall be required to keep a register of occupants available at all times for inspection by proper officials. Such records shall not be destroyed for a period of three years following departure of occupants. The register shall contain the following information:

(a) Names of all occupants quartered on each designated trailer coach space;

(b) Description, make, model, and year of all trailer coaches and towing or other vehicles and state and license number of each; and

(c) Dates of arrival and departure of occupants of each trailer coach space. (1970 Code, § 4-610)

14-411. Legal and enactment provisions. The provisions made herein are supplemental and additional to provisions of other ordinances of the City of Rockwood and to public and private laws applicable to such city. In case of a conflict between this chapter or any part thereof and the whole thereof and the whole or part of any existing or future ordinance of the City of Rockwood, the more restrictive shall apply, unless pertaining to other chapters of Title 12 of the Rockwood Municipal Code which are herein specifically modified, in which case the provisions of this chapter will control.

If any section, clause, provision, or portion of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

This shall become effective on April 28, 1967, 30 days after passage by the Board of Commissioners of the City of Rockwood, the public welfare requiring it. (1970 Code, § 4-611)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

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

¹Municipal code reference

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

²State law references

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

- 15-112. School safety patrols.
- 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. Truck route through city.
- 15-124. Weight limit for through trucks.
- 15-125. Financial responsibilities of owners or operators.
- 15-126. Safety belts.
- 15-127. 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 such muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1970 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. No motor vehicle shall be driven upon any street that is roped off or closed in any way for the purpose of repairs. (1970 Code, § 9-107)

15-103. Reckless driving. No person shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1970 Code, § 9-108)

15-104. One-way streets. Where the municipality has designated certain streets for one-way traffic and has posted signs indicating the authorized direction of travel at all intersections offering access to such one-way streets, no person shall operate any vehicle except in the indicated direction. (1970 Code, § 9-110)

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

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.
- (c) Upon a roadway designated and signposted by the municipality for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1970 Code, § 9-111)

15-106. Laned streets. Where the municipality has had 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 right hand lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (1970 Code, § 9-112)

15-107. Yellow lines. Where the municipality has had a yellow line placed to the right of any lane line or center line of any street it 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 left turn to enter another street, alley, or driveway. (1970 Code, § 9-113)

15-108. Miscellaneous traffic-control signs, signals, markings, and devices.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the municipality. (1970 Code, § 9-114)

15-109. General requirements for traffic-control signs, signals, markings, and devices. All traffic-control signs, signals, markings, and devices required hereunder for a particular purpose shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways,² 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 municipality. (1970 Code, § 9-115)

15-110. Unauthorized traffic-control signs, signals, markings, and devices. 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 device or railroad sign or signal, or which attempts to control the movement of traffic, or which

¹Municipal code references

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

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

hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. (1970 Code, § 9-116)

15-111. Presumption with respect to traffic-control signs, signals, markings, and devices. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1970 Code, § 9-117)

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. (1970 Code, § 9-118)

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.

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.

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.

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.

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 (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

15-118. 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.

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."

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.

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.

15-122. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions. (a) "Adult" shall mean any person eighteen years of age or older.

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

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

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

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

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

15-123. Truck route through city. All through trucks from State Highways Nos. 1 and 61 (U.S. Highways 27 and 70) shall travel through Rockwood only on Gateway Avenue. No truck larger than three-fourths (3/4) ton shall be permitted on Kingston Avenue except when reasonably necessary to make a pickup or delivery in the city. (1970 Code, § 9-119)

15-124. Weight limit for through trucks. A weight limit or a load limit of 10,000 pounds per truck on all through traffic shall apply to the following streets and routes:

- (1) Air Port Road from Municipal limits to Black Hollow Road.
- (2) Furnace Avenue from Rockwood Street to Air Port Road.
- (3) Rockwood Street from Gateway Avenue to Furnace Avenue.

- (4) Dunn Street from Gateway Avenue to Trinity Avenue.
- (5) Front Street from Dunn Street to Bates Street.
- (6) Bates Street from Front Street to Furnace Avenue.
- (7) Dunn Street from Gateway Avenue to Municipal Limits.
- (8) Strang Street from Gateway Avenue to Furnace Avenue.
- (9) Baldwin Street from Clymersville Road to Wilder Avenue.
- (10) Tarwater Street from Kingston Avenue to Municipal Limits.
- (11) Baldwin Street from Clymersville Road to Wilder Avenue.
- (12) Tedder Street from Black Hollow Road to Front Street.
- (13) Front Street from Dunn Street to Tedder Street.
- (14) Black Hollow Road from Air Port Road to Municipal Limits at Southern Railway.
- (15) Wheeler Street from Gateway Avenue to Municipal Limits.
- (16) Nelson Street from Gateway Avenue to Pumphouse Road.

Signs shall be placed at appropriate locations to indicate that said streets are closed to all through traffic over 10,000 pounds. (1970 Code, § 9-121, modified)

15-125. Financial responsibility of owners and operators. The City of Rockwood City Council adopts these requirements set forth in Tennessee Code Annotated, § 55-12-139 and hereby instructs our municipal court to abide by this section. (as added by Ord. #07-1094, July 2006)

15-126. Safety belts. The City Council of Rockwood, Tennessee adopts these requirements set forth in Tennessee Code Annotated, §§ 55-9-602 and 55-9-603, and hereby instructs our municipal court to abide by this section. (as added by Ord. #07-1095, July 2006)

15-127. 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 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the city/town adopts *Tennessee Code Annotated*, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-8-199 by reference as if fully set forth in this section. (as added by Ord. #12-54, Dec. 2017 *Ch3_6-18-19*)

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.
- 15-205. Operation of other vehicles upon the approach of emergency vehicles.

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. (1970 Code, § 9-102)

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

(2) The driver of an authorized emergency vehicle may:

- (a) Park or stand, irrespective of the provisions of this title.
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear.
- (c) Exceed the maximum speed limits so long as he does not endanger life or property.
- (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to 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 as may be necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the

¹Municipal code reference

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

safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1970 Code, § 9-103)

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. (1970 Code, § 9-105)

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. (1970 Code, § 9-106)

15-205. Operation of other vehicles upon the approach of emergency vehicles. Upon the approach of any authorized emergency vehicle, the operators of all other vehicles shall immediately drive to the right hand curb or edge of the roadway, stop, and remain parked until the emergency vehicle has passed. (1970 Code, § 9-104)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-305. Reduction on Hewitt Avenue and West Strang Street.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street of this municipality at a rate of speed in excess of thirty (30) miles per hour except where the municipality has erected or authorized official signs indicating a greater lawful speed limit. (1970 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection of this municipality 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. (1970 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground within this municipality at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. (1970 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area within this municipality at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit has been posted by authority of the municipality. (1970 Code, § 9-204)

15-305. Reduction on Hewitt Avenue and West Strang Street.

(1) The speed limit on the portion of Hewitt Avenue from its intersection with West Rockwood Street to its intersection with West Strang Street is hereby reduced from thirty (30) mph to twenty-five (25) mph.

(2) The speed limit on the portion of West Strang Street from its intersection with Furnace Avenue to its intersection with North Wilder Avenue is hereby reduced from thirty (30) mph to twenty-five (25) mph.

(3) Signs shall be erected indicating that the speed limit on the portions of Hewitt Avenue and West Strang Street described above is twenty-five (25) mph. (as added by Ord. #12-17, Jan. 2016)

CHAPTER 4

TURNING MOVEMENTS**SECTION**

15-401. Signals.

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. Signals. No person operating a motor vehicle shall make any turning movement which might affect the operation of any other vehicle without first signaling his intention in accordance with the requirements of the state law.¹ (1970 Code, § 9-301)

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. (1970 Code, § 9-302)

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 such center line of the roadway being entered. (1970 Code, § 9-303)

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. (1970 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1970 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and 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. (1970 Code, § 9-401)

15-502. When emerging from alleys, driveways or buildings. The drivers of all vehicles emerging from alleys, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or the sidewalk area extending across any alleyway or driveway. They shall not proceed to drive onto the street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1970 Code, § 9-402)

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. (1970 Code, § 9-403)

¹Municipal code reference

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

15-504. At railroad crossings. Whenever any driver of a vehicle approaches a railroad grade crossing under any of the following circumstances he shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The circumstances requiring stops shall be when:

(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 emits an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1970 Code, § 9-404)

15-505. At "stop" signs. The drivers of all vehicles shall stop their vehicles and yield to approaching traffic before proceeding at all places within the corporate limits where "stop" signs have been placed by the municipality. (1970 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield to approaching traffic before proceeding at all places within the corporate limits where "yield" signs have been placed by the municipality. (1970 Code, § 9-406)

15-507. At traffic-control signals generally. Where this municipality has installed traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and 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 either 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) No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone (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.

(b) No pedestrians facing such signal shall enter the roadway until the green or "go" is shown alone (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) No pedestrians facing such signal shall enter the roadway until the green or "go" is shown alone (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 at the signal. (1970 Code, § 9-407)

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 by the municipality 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. (1970 Code, § 9-408)

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 municipality, 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. (1970 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1970 Code, § 9-410)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

15-601. Generally. Except as hereinafter provided, every vehicle parked upon a street within this municipality 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 municipality 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. (1970 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. Furthermore, 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. (1970 Code, § 9-502)

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. (1970 Code, § 9-503)

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

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.

- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb which the municipality has had painted yellow.
- (12) On the unpaved or ungraveled portion of any street right of way.
- (13) Parking is banned on the north side and south side of SR No. 1 (Gateway Avenue) from W. Dunn Street to 1,000 feet west of W. Rathburn Street. (1970 Code, § 9-504)

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 municipality as a loading and unloading zone. (1970 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1970 Code, § 9-513)

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

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

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

¹Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.

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 affixed to the vehicle and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of.

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 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.

15-706. Deposit of driver's 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.

15-707. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking violations excluding handicapped parking. For parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine of ten dollars (\$10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days his civil penalty shall be twenty-five dollars (\$25.00).

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. STREET NAMES AND PROPERTY NUMBERS.

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 prohibited.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades regulated.
- 16-110. Operation of trains at crossings regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Obstruction of drainage ditches.
- 16-113. Violation and penalty.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1970 Code, § 12-301)

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 or sidewalk at a height of less than fourteen (14) feet. (1970 Code, § 12-302)

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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1970 Code, § 12-303)

16-104. Projecting signs and awnings, etc., restricted. No person shall erect or maintain signs, awnings, or other projections which shall project from any building or structure over any sidewalk more than the width of the sidewalk. Furthermore, a clear space of not less than eight (8) feet shall be provided below all parts of such signs, awnings, or other projections. (1970 Code, § 12-304)

16-105. Banners and signs across streets and alleys prohibited. 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 city council. (1970 Code, § 12-305)

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. (1970 Code, § 12-306)

16-107. Littering. No person shall throw or deposit upon any street, alley, sidewalk, or public place any glass, nails, tacks, wire, cans or other substance likely to injure or damage any person, animal, or vehicle upon such street, alley, sidewalk, or public place. Any person who drops or permits to be dropped or thrown upon any such place any such destructive or injurious material shall immediately remove the same or cause it to be removed.

Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

It shall also be unlawful for any person, firm or corporation to dispose of trash on the streets, sidewalks, or public property, or property of others. The term "trash" shall include cans, bottles, cartons, paper, and any item of refuse.

It shall also be unlawful for any person to drive vehicles on the streets so as to cause tracking or spilling of dirt, mud, gravel, coal, or other material onto the streets. Anyone who causes the tracking or spilling of such material onto any street shall promptly remove the same or cause it to be removed. (1970 Code, § 12-307)

16-108. 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, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1970 Code, § 12-309)

16-109. 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 of the city without some responsible representative first securing a permit from the city recorder. No permit shall be issued by the city 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. (1970 Code, § 12-310)

16-110. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also be unlawful for any person operating a railroad train to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1970 Code, § 12-311, modified)

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. (1970 Code, § 12-312)

16-112. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

16-113. 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.

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Excavation guidelines and permit requirements.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.
- 16-211. Violation and penalty.

16-201. Excavation guidelines and permit requirements. Any excavation on any public or private property within the city limits of Rockwood shall conform to the Tennessee Department of Environment and Conservation: Erosion and Sediment Control Handbook, second edition, March 2002, and any subsequent editions which may supercede it. It shall also be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation of any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (as replaced by Ord. #07-1098, Dec. 2006)

¹State law reference

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

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

16-203. Fee. The fee for such permit shall be determined in accordance with the applicable provisions of the International Residential Code adopted by the City of Rockwood by separate ordinance. (as replaced by Ord. #11-99, March 2015)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration.

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users.

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to

its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$150,000 for each person and \$350,000 for each accident, and for property damages not less than \$50,000 for any one (1) accident, and a \$75,000 aggregate.

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

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

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 city. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1970 Code, § 12-206)

16-211. Violation and penalty. Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense.

CHAPTER 3

STREET NAMES AND PROPERTY NUMBERS

SECTION

16-301. Street names.

16-302. Property numbers.

16-301. Street names. There is hereby established an official system of street names in the City of Rockwood as shown on a map of record in the city recorder's office. The map is entitled "Rockwood, Tennessee," and is dated June 12, 1958.¹ It was produced by the Tennessee State Planning Commission and is incorporated herein and made a part of this section by reference.

The names of streets in the City of Rockwood shall remain as shown on said map unless officially changed by ordinance.

No new streets shall be accepted by the city nor any municipal improvements made therein until such streets have been named. If such new streets are extensions of existing streets, the existing names shall be continued; if not extensions, they shall be given names which neither duplicate nor closely approximate street names already assigned. (1970 Code, § 12-101)

16-302. Property numbers. There is hereby established a uniform system of numbering properties and principal buildings in the City of Rockwood as shown on the map entitled "Property Numbering System" of record in the city recorder's office. The map is incorporated herein and made a part of this section by reference.

All properties or parcels of land within the corporate limits shall hereafter be identified by reference to the uniform numbering system adopted herein. All existing numbers of properties and buildings not in conformity with this uniform system shall be changed by the owner so as to conform forthwith.

Within zone 1, as shown on the map, a separate number shall be assigned for each twenty-five (25) feet of frontage.

Within zone 2, a separate number shall be assigned for each fifty (50) feet of frontage.

¹See also Ord. #842, of record in the recorder's office, which purports to adopt a map entitled "Official Streets and Roads Map, Rockwood, Tennessee and Vicinity, Roane County, Tennessee," dated September, 1982. See also Ord. #843, of record in the recorder's office, which permanently closes an unopened alley; Ord. #941, dated August 17, 1992, and the list attached to Ord. #941 which was adopted as the official street names for the City of Rockwood; and Ord. #968, dated March 21, 1994, which quit claimed the alley right-of-way abutted on both sides by Paradise Baptist Church.

Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number. The numerals shall be posted in such a manner as to be visible from the street on which the property is located.

The Roane County Emergency 911 (E-911) system shall administer the numbering system. (1970 Code, § 12-102, modified)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Debris defined.
- 17-103. Brush defined.
- 17-104. Used building materials defined.
- 17-105. Premises to be kept free of.
- 17-106. Fee schedule.
- 17-107. Penalties for non-compliance.
- 17-108. Storage.
- 17-109. Location of containers.
- 17-110. Disturbing of containers.
- 17-111. Collection.
- 17-112. Collection vehicles.
- 17-113. Disposal.
- 17-114. Exceptions.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish and refuse as those terms are generally defined, except that dead animals and fowls, body wastes, debris, such as hot ashes, rocks, concrete and bricks, tree limbs, tree trunks, brush, used materials, including roofing and similar materials, hazardous waste, stable matter, construction debris and other matter not conforming to the general definition of garbage and rubbish, are expressly excluded therefrom and shall not be stored therewith. Title to and liability for any of the aforesaid excluded waste shall remain with the producer of the excluded waste, even if such excluded waste is inadvertently collected and disposed of by the City of Rockwood, its contractors, agents, or assigns. (1970 Code, § 8-201, as replaced by Ord. #13-02, June 2024 *Ch5_01-27-25*)

17-102. Debris defined. Debris shall mean and include hot ashes, rocks, concrete, bricks and debris as those terms generally defined except that

¹Municipal code reference

Property maintenance regulations: title 13.

refuse as defined and used building materials including roofing and similar materials are expressly excluded therefrom and shall not be stored therewith. (1970 Code, § 8-202)

17-103. Brush defined. Brush shall mean and include tree limbs and tree trunks cut in lengths not to exceed six (6) feet, shrubs and shrub trimmings and brush as those terms generally defined except that debris and refuse as defined and used building materials including roofing and similar materials are expressly excluded therefrom and shall not be stored therewith. (1970 Code, § 8-203)

17-104. Used building materials defined. Used building materials shall mean and include all used lumber, shingles and other materials from demolished structures and used building materials as those terms generally defined except that refuse, debris and brush as defined and similar materials are expressly excluded therefrom and shall not be stored therewith. (1970 Code, § 8-204)

17-105. Premises to be kept free of. All persons within the City of Rockwood are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, debris, brush, and used buildings materials, except when the same is stored in such refuse containers as are described in this chapter. The city may abate nuisances created by violations of this section at the property owner's expense when the owner does not take appropriate action after reasonable notice from the city. Any costs thereby incurred by the city may be collected the same as delinquent taxes are collected. (1970 Code, § 8-205)

17-106. Fee schedule. Charges for collection of refuse, debris, brush and used building materials as defined are determined by a fee schedule approved by the Rockwood City Council. Revisions and exceptions to the fee schedule will be approved by the city council. (1970 Code, § 8-206)

17-107. Penalties for non-compliance. 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.

17-108. Storage. Each owner, occupant or other responsible person using or occupying any building or other premises within the City of Rockwood where refuse accumulates, or is likely to accumulate, shall provide and keep covered an adequate number of strong, durable, rodent and insect proof refuse containers each having a capacity of not more than ninety-six (96) gallons. Refuse collected by the City of Rockwood or its contractors shall be stored only

in ninety-six (96) gallon containers supplied by the City of Rockwood or its contractor. No refuse shall be placed in a refuse container until it has been drained of all free liquids. Boxes and cartons shall be broken down and placed in said ninety-six (96) gallon refuse container. All refuse to be collected shall be placed inside said ninety-six (96) gallon refuse container. All ninety-six (96) gallon refuse containers shall remain the property of the entity that furnished said container. Each user of said ninety-six (96) gallon container shall have the care, custody and control of the container while at the service location. Each container shall be used only for its proper and intended purpose. Users of a ninety-six (96) gallon container provided by the City of Rockwood or its contractor shall not overload the container by weight or volume, and shall not move, alter or install any devices on the container, and shall not manually or mechanically compact any materials inside the container, except inside compactor receiver boxes specially designed for such purpose, and shall not allow any third party to take such actions. The user of such container shall pay additional charges established by the entity collecting the refuse each time that a container is overloaded by weight or volume. The user of such container must provide unobstructed access to the container on the scheduled collection day. A container shall not be used for the storage of any excluded waste as set forth in § 17-101 of the Rockwood Municipal Code. (1970 Code, § 8-208, and replaced by Ord. #13-02, June 2024 *Ch5_01-27-25*)

17-109. Location of containers. Where alleys are used by the city 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 city refuse collectors, containers shall be adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the 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. (1970 Code, § 8-209)

17-110. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any other manner, disturb or use any refuse container. This section shall not be construed to prohibit the use of public refuse containers for their intended purposes. In the event that a container becomes lost, unsightly, unsanitary, broken or unserviceable because of the acts or omission of a user (excluding normal wear and tear), the owner, occupant or other responsible person using or occupying any building or other premises where said container has been assigned will be charged for the resulting repairs or replacement of such container. (1970 Code, § 8-210, as replaced by Ord. #13-02, June 2024 *Ch5_01-27-25*)

17-111. Collection. Except as provided herein, all refuse accumulated within the corporate limits shall be collected, conveyed and disposed of by the city or by the collection service the city has contracted with. Collections shall be made regularly in accordance with an announced schedule. All residents, commercial users, industrial users, real estate owners and real estate tenants within the corporate limits are required to participate in said refuse collection services and pay the fees therefor imposed by Rockwood City Council pursuant to § 17-106 of the Rockwood Municipal Code, unless an exception has been granted, or unless the commercial or industrial user qualifies for the exception set forth in § 17-114 of the Rockwood Municipal Code. The city administrator is authorized and empowered to grant exceptions for the following reasons:

(1) A residential owner or tenant suffers from a medical condition that prevents said residential owner or tenant from taking refuse to the curb of the city street for pickup, and has provided other means for the regular, weekly removal of said refuse.

(2) The real estate, whether residential, commercial or industrial, is vacant and thereby no refuse is produced thereon.

(3) The real estate is used exclusively for livestock purposes as permitted by the Rockwood Municipal Code.

(4) A commercial or industrial user has contracted for a dumpster, and the regular collection of refuse from said dumpster, and has produced a copy of such contract.

Exceptions for any reasons other than those stated above and those allowed by § 17-114 of the Rockwood Municipal Code must be approved by city council.

However, building and industrial wastes shall not be collected by the city except when the city is reimbursed according to the fee schedule for rendering such service. The person creating or in possession of such wastes shall be responsible for the disposal of the same in such manner as will not violate the provisions of this chapter. For the purposes of this section "building waste" shall mean waste incident to and resulting from building construction and repair, and from clearing land for new construction. "Industrial waste" shall mean waste and by-products of manufacturing and processing establishments.

It shall be unlawful for parties living outside the City of Rockwood to transport refuse generated outside the City of Rockwood into the corporate limits for the purpose of disposal. (1970 Code, § 8-211, as replaced by Ord. #12-61, Sept. 2019 *Ch4_6-20-22*)

17-112. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the garbage onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets and alleys. (1970 Code, § 8-212)

17-113. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. Failure to comply with the proper disposal of refuse shall result in penalties covered in § 17-107. (1970 Code, § 8-214)

17-114. Exceptions. Sections 17-106, 17-108, 17-109 and 17-111, shall not be applied to commercial or industrial users who contract to have their garbage hauled off, unless services are provided by the city. (1970 Code, § 8-216)

TITLE 18**WATER AND SEWERS**¹**CHAPTER**

1. SEWAGE DISPOSAL.
2. SEWAGE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. WATER, SEWERS, AND GAS.

CHAPTER 1**SEWAGE DISPOSAL****SECTION**

- 18-101. Definitions.
- 18-102. Use of public sewers required.
- 18-103. Private sewage disposal.
- 18-104. Building sewers and connections.
- 18-105. Use of the public sewers.
- 18-106. Protection from damage.
- 18-107. Powers and authority of inspectors.
- 18-108. Violations.

18-101. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

(4) "C.O.D." (denoting chemical oxygen demand) shall mean the quantity of oxygen utilized in the oxidation of organic matter to carbon dioxide and water expressed in milligrams per liter by weight.

(5) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(6) "Compatible wastes" shall mean such wastes as Biochemical Oxygen Demand, Chemical Oxygen Demand, Settleable Solids, Total Dissolved Solids, and Nitrogen (total Kjeldahl).

(7) "Dissolved solids" shall mean all solids found in water, sewage, or other liquids, and which are not removable by laboratory filtering.

(8) "Incompatible waste" shall mean such wastes as outlined in Table 1.

(9) "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(10) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(11) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(12) "User" shall mean any individual, firm, company, association, society, corporation, or group.

(13) "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

(14) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(15) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(16) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(17) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(18) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(19) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(20) "Sewer" shall mean a pipe or conduit for carrying sewage.

(21) "Shall" is mandatory; "may" is permissive.

(22) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than

five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(23) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(24) "Superintendent" shall mean the superintendent of the Sewage Works and/or of Sewage Plant of the City of Rockwood, or his authorized deputy, agent, or representative.

(25) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(26) "Total solids" shall mean all the matter which remains as a residue after water, sewage and/or other liquids are subjected to evaporation at 105°C.

(27) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1970 Code, § 8-701)

18-102. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Rockwood, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Rockwood, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is adjacent to the owner's abutting property line except where some other unusual circumstance exists. (1970 Code, § 8-702)

18-103. Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county, state, and federal law. The disposal of sewage by private disposal systems shall be permissible only in those instances where

service from the available sanitary sewage system is not available. (1970 Code, § 8-703)

18-104. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other

applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (1970 Code, § 8-704, modified)

18-105. Use of the public sewers. (1) Wastes excluded from discharge into sewerage system. No user shall discharge or allow to be discharged into the sewerage system any of the following materials:

- (a) Storm water and drainage.
- (b) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), sixty-six degrees Centigrade (66°C).
- (c) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tars, plastic, wood, paunch manure, lime slurry, lime residue, chemical residue, cannery wastes, painting residues, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in the sewers or interference with the proper operation of the sewerage works and sewage treatment plant.
- (d) Gasoline, benzine, naphtha, fuel oil, mineral oil, and other flammable or explosive liquids, solids, or gases.
- (e) Unshredded or improperly shredded garbage.
- (f) Any wastes having a stabilized pH of less than six (6.0) or more than nine (9.0).
- (g) Any waste which contains more than one hundred (100) milligrams per liter of fat, oil, or grease exclusive of soap.
- (h) Noxious or malodorous gases or substances which singly or by interaction with other wastes may create a public nuisance, hazard to life, or prevent entry into the sewers for maintenance and repair.
- (i) Waste with an excessive color such as dye waste.
- (j) Any waters or wastes containing suspended solids or other contaminants of such character and quality that unusual attention or expense is required to handle such wastes at the wastewater treatment plant.

(k) Any wastewaters not conforming to the requirements in Tables 1 and 2 and Figure 1 which follows.

(l) Dilution of any wastewater discharge for the purpose of satisfying these requirements should be considered a violation of the chapter.

(m) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(n) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(o) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as but not limited to Fullers earth, lime slurries, and lime residues) or if dissolved solids (such as but not limited to sodium chloride and sodium sulfate).

(ii) Unusual BOD (above 400 mg/l) and COD (above 800 mg/l), or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works. A charge may be established by the superintendent for BOD and COD in excess of the previous figures.

(iii) Unusual volume of flow or concentration of wastes constituting "Slugs" and defined herein.

(p) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(q) Waters or wastes containing nitrogen in excess of 40 mg/l and settleable solids in excess of 20 mg/l. A charge may be established by the superintendent for wastes with excess nitrogen and settleable beyond that of the previous figures.

TABLE 1

**MAXIMUM EFFLUENT STANDARDS FOR DISCHARGE OF WASTE
INTO THE MUNICIPAL SEWERAGE SYSTEM**

Constituent	Daily Average ¹ Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Compatible Wastes:		
Biochemical Oxygen Demand	225 ^{2*}	300
Chemical Oxygen Demand	400 ^{2*}	450
Settleable Solids (ml/l)	15 ^{2*}	20
Total Suspended Solids	400 ^{*2}	600
Total Dissolved Solids	800	1200
Nitrogen (Total Kjeldahl)	1.5 [*]	2.0
Incompatible Wastes:		
Antimony	5.0	8.0
Arsenic	1.0	1.5
Barium	35.0 [*]	50.0
Boron	55.0 [*]	80.0
Cadmium	1.0 [*]	1.5
Chromium, Total	0.5 [*]	1.0
Cobalt	10.0	15.0
Copper	1.0 [*]	1.5
Cyanide	1.0 [*]	1.5
Fluoride	45.0	70.0
Iron, Total	45.0	70.0
Lead	1.0 [*]	1.5
Magnesium	10.0	15.0
Manganese	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0 [*]	4.5
Phosphorus (Total P)	10.0	15.0
Potassium	10.0	15.0
Selenium	0.1	0.2
Silver	1.0	1.5
Strontium	30.0	50.0
Tin	10.0	15.0
Titanium	3.0	5.0
Zinc	2.0 [*]	3.5
Pesticides	BDL ^{**}	
Phenols	10.0	15.0
Surface Active Agents (as MBAS) Non-Biodegradable	5.0	8.0
Hexane or Ether Soluble Substances	100.0	150.0
Total Oil	50.0	80.0

* Must satisfy conditions established by Table 2 in order for user to discharge levels stipulated in Table 1.

** BDL - Below detectable limit.

¹ Based upon 24-hour flow-proportionate composite samples.

² A variance may be granted if sewerage system does not contain combined sewers.

Note: Discharge limits for Incompatible wastes are based on practical technology.

TABLE 2

MAXIMUM CONCENTRATION IN SEWAGE TREATMENT PLANT
INFLUENT

<u>Constituent</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>	<u>Recommended Maximum Concentration with Safety Factor (mg/l)</u>
Compatible Wastes:		
Biochemical Oxygen Demand	300 ¹	
Chemical Oxygen Demand	450 ¹	
Settleable Solids	20 ¹	
Total Suspended Solids	600 ¹	
Nitrogen (Total Kjeldahl)	2.0	
Incompatible Wastes: ²		
Boron	1.0	0.2
Cadmium	0.02	BDL ³
Chromium (Hexavalent)	2.0	0.4
Chromium (Total)	5.0	1.0
Copper	0.5	0.1
Cyanide	1.0	0.2
Lead	0.1	BDL ³
Nickel	0.5	0.1
Zinc	0.5	0.1

Note: The above maximum concentrations are based on research which has defined tolerance levels of various incompatible wastes relative to sewage treatment plant unit operations. Since there is no safety factor in the above parameter limits, careful judgement must be used to determine at what point corrective action must be taken to prevent incompatible pollutant concentrations from exceeding the maximum allowed in Table 2. It is important to note that cumulative toxicities and synergistic effects due to a mixture of incompatible wastes may have a deleterious effect on sewage treatment plant process at concentrations much less than those shown above. The second column indicates these same values with a safety factor applied. (A factor of 5 in most cases.) This is the recommended approach to listing incompatible pollutant concentrations in sewer use ordinances to protect the treatment plant. Additionally, the parameters listed in Table 2 are derived on the assumption that an effluent limited permit condition exists. However, in certain cases where the effluent standards for the sewage treatment plant are based on a water quality limited condition, then the concentrations stipulated in Table 2 may have to be adjusted downward to satisfy the permit requirements.

¹ Based on design capacity of plant.

² Reference: "Pretreatment of Pollutants Introduced into Publicly Owned Treatment Works"; U.S. E.P.A. Federal Guidelines, October 1973.

³ BDL: Below detectable limit.

(2) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, and contain the substances or possess the characteristics enumerated in § 18-105(1) and which in the judgment of the superintendent, and/or the Division of Water Quality Control, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. Payment may be established by the superintendent.
- (e) Require payment to cover the added cost of handling and treating the toxic or excess waste of an industry. Payment may be established by the superintendent.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(4) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(5) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(6) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb,

and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(7) Industrial wastes. Users discharging industrial waste into the sewerage system shall be required to:

(a) Pretreat waste in accordance with local, state, and federal guidelines for all established limits,

(b) Pay surcharge in accordance with § 18-105(2) and,

(c) Provide payment to the city for the extra cost incurred for construction of wastewater facilities in accordance with the guidelines established in MCD - 45 "Federal Guidelines - Industrial Cost Recovery Systems". Under no circumstance shall the concentration in the discharge exceed those limits established in Table 3. Plans for all pretreatment facilities shall be approved by the superintendent prior to construction, and the Tennessee Department of Health. At the time plans are submitted for approval, written maintenance plans shall also be submitted and approved by the superintendent. The facilities shall be allowed to operate only as long as they are maintained in accordance with approved maintenance plans. Treatment facilities shall be required by the city in the following cases:

(i) In cases where a waste may violate the requirements of § 18-105(1), but be alterable by chemical means to be an acceptable waste, the following requirements must be met. Plans shall be submitted for the neutralization of strong acid or alkaline wastes; the plans shall include the necessary instrumentation and controls to assure compliance with the above regulations at all times. Where the volume of acid or alkaline waste is sufficient, in the opinion of the superintendent, to affect quickly the performance of the waste treatment facilities, the user discharging such waste into the sewerage system shall authorize the city to neutralize the waste in emergencies and to charge the offending user for all costs, including chemicals and labor.

(ii) Equalization or holding tanks shall be required ahead of the receiving manhole in the city's sewerage system when deemed necessary by the superintendent to present peak flows that exceed the capacity of the system or that result in operational problems.

TABLE 3

Constituent	Daily Average ^{1, 2, 3} Maximum Discharge Allocated to Industry lbs/day
Biochemical Oxygen Demand	250
Chemical Oxygen Demand	375
Suspended Solids	180
Nitrogen (total Kjeldahl)	10
Daily Average Max. flow/Ind.	.15 MGD
Total flow allocated to Ind.	.40 MGD ³

¹ Based on plant capacity

² Based upon 24 hour flow - proportionate composite sample

³ Industries may individually utilize the capacity of the sewage treatment plant until the maximum discharge (lbs./day) and flow limits (MGD) allocated to the industrial sector are utilized. When this point is reached, no further increase in industrial connections will be permitted. Industries which are presently attached to the system shall not be permitted to increase their discharge or flow rates. This is to prevent encroachment that portion of the plant's capacity allocated for domestic growth.

(iii) All preliminary treatment facilities shall be operated and maintained continuously in satisfactory and effective operation, by the owner at his expense.

(8) Waiver of requirements. There shall be no provision for the granting of variances for discharge of incompatible wastes in greater concentrations than specified in § 18-105, Tables 1, 2 and 3. If a user begins to violate any of the provisions of this section it shall be his responsibility to apply to the superintendent, who can at his discretion, issue a temporary permit along with a compliance schedule for planning and construction of necessary treatment or pretreatment works. Each case will be carefully evaluated with respect to its effect on the municipal treatment plant and the environment prior to issuance of a temporary permit and compliance schedule.

(9) Discontinuance of service for failure to comply. Failure to comply with provisions of this section shall be cause for the discontinuance of sewer or water service to the offending user. The procedure shall be as follows:

A written notice, signed by the superintendent, shall be delivered personally to the person then in charge of the offending use outlining the conditions of the wastes which violates the city ordinances. In the event that the person then in charge of the industry or business will not accept the notice, then it shall be conveyed by registered mail to the person in charge at the address of the business or industry. The person notified shall have twenty-four (24) hours from the time of receipt of the notice, either personally given or received by registered mail, to correct the offending conditions. If correction is not made or request for extension is not received by the superintendent within twenty-four (24) hours, it shall be mandatory that water or sewer service shall be discontinued to the offending user without further notice. If a request for an extension of time is received by the superintendent within twenty-four (24) hours of the above notice and if circumstances are such that the opinion of the superintendent, the best interest of the city would be served in extending the time for the correction of the offending condition, then he may grant an extension of time up to a maximum limit of thirty (30) days. (1970 Code, § 8-705)

18-106. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1970 Code, § 8-706)

18-107. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties, subsection (1) above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by community employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-105(8).

(3) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1970 Code, § 8-707)

18-108. Violations. (1) Any person found to be violating any provision of this chapter except § 18-106 shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined in the amount not exceeding fifty dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (1970 Code, § 8-708)

CHAPTER 2

SEWAGE¹

SECTION

- 18-201. When sanitary sewage disposal facilities are required.
- 18-202. Responsibility for installation and maintenance of facilities.
- 18-203. When a connection to the sanitary sewer is required.
- 18-204. When a septic tank is required.
- 18-205. Use of other than prescribed facilities.

18-201. When sanitary sewage disposal facilities are required. All land situated within the corporate limits and improved with a building or structure wherein people live, are employed, or congregate shall be required to have such sanitary facilities for sewage disposal as are prescribed by this chapter. (1970 Code, § 8-301)

18-202. Responsibility for installation and maintenance of facilities. The owner of all property required by this chapter to have sanitary facilities for sewage disposal shall be responsible for the proper installation of such facilities. The occupant or person having immediate use and control of such property shall be responsible for maintaining the facilities in a sanitary and usable condition unless by contractual arrangement between the parties the owner expressly assumes to retain such responsibility.

The owner, tenant or occupant of each lot or parcel of land required to be connected to the sanitary sewer by § 18-203 of the Rockwood Municipal Code, or any other provision of said code, or any other state or federal regulation of or law, shall each be responsible for the proper installation and maintenance of such facilities unless by contractual arrangements between the parties, only one (1) of the parties expressly assumes to retain such responsibility. The Rockwood Water, Sewer and Natural Gas Department may refuse water service to any such owner, tenant, or occupant for any such property, lot or parcel of land, whether within or outside the city limits of the City of Rockwood, when the private sewer line, or any portion thereof, connecting said property, lot or parcel to the sanitary sewer system has not been properly installed or has been improperly maintained. Additionally, when an owner, tenant or occupant has failed to repair, replace or properly maintain a private sewer line connecting any lot, parcel of land or property to the sanitary sewer system within thirty (30) days after transmittal of a notice to repair, replace or properly maintain, the Rockwood Water, Sewer and Natural Gas Department may discontinue

¹Municipal code reference

Plumbing code: title 12, chapter 2.

water service to such property until the owner, tenant or occupant has complied with such notice. (1970 Code, § 8-302, as replaced by Ord. #12-55, Feb. 2019 *Ch3_6-18-19*)

18-203. When a connection to the sanitary sewer is required. All property required to have sanitary sewage disposal facilities and abutting upon a street or other public way containing a sanitary sewer is required to have such facilities connected to the sanitary sewer. Failure to connect to the sanitary sewer does not relieve responsibility to pay sanitary service usage charges. (1970 Code, § 8-303)

18-204. When a septic tank is required. All property located within the fire limits¹ and required to have sanitary sewage disposal facilities but which does not abut on a sanitary sewer is required to have such sewage disposal facilities connected to a septic tank approved by the health officer. (1970 Code, § 8-304)

18-205. Use of other than prescribed facilities. Where this chapter requires a particular type of sewage disposal facility the use of any other type, or disposal by any other means, is hereby expressly prohibited unless approved by the health officer. The health officer is authorized to approve exceptions to the provisions of this chapter only when the lot size, soil composition, lay of the land, or other unusual circumstances makes the installation and use of the prescribed facilities unfeasible. (1970 Code, § 8-306)

¹See section 7-101 for a description of the fire limits.

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Objectives.
- 18-302. Definitions.
- 18-303. Compliance with Tennessee Code Annotated.
- 18-304. Regulated.
- 18-305. New installations.
- 18-306. Existing installations.
- 18-307. Inspections.
- 18-308. Right of entry for inspections.
- 18-309. Correction of violations.
- 18-310. Required devices.
- 18-311. Non-potable supplies.
- 18-312. Statement required.
- 18-313. Penalty; discontinuance of water supply.
- 18-314. Provision applicable.

18-301. Objectives. The objectives of this chapter are:

- (1) To protect the public potable water system of the Rockwood Water Sewer and Gas from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or back siphon into the public water system;
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;
- (3) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (1970 Code, § 8-401, as replaced by Ord. #12-42, Aug. 2017)

18-302. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this article:

- (1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than six (6") inches. Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than six inches (6").

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves with tightly dosing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection system" shall be classified in six (6) different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

(a) Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(b) Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

(d) Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

(e) Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

(f) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

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

(13) "Person" shall mean 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.

(14) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring-loaded

check valves and an independently operating springloaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean Rockwood Water Sewer and Gas, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Manager" shall mean the General Manager of the Rockwood Water Sewer and Gas or his/her duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use.

(20) "Rockwood Water Sewer and Gas" shall mean the Rockwood Water, Sewer and Gas Department of the City of Rockwood, Tennessee.

(21) "Manual" shall mean the AWWA Manual M14 - Second Edition 1990. (1970 Code, § 8-402, as replaced by Ord. #12-42, Aug. 2017)

18-303. Compliance with Tennessee Code Annotated. Rockwood Water Sewer and Gas shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. Rockwood Water Sewer and Gas shall comply with § 68-221-711 of the Tennessee Code Annotated, as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (1970 Code, § 8-403, as replaced by Ord. #12-42, Aug. 2017)

18-304. Regulated. (1) No water service connection to any premises shall be installed or maintained by Rockwood Water Sewer and Gas unless the water supply system is protected as required by state laws and this ordinance. Service of water to any premises shall be discontinued by Rockwood Water Sewer and Gas if a backflow prevention device required by this ordinance is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the General Manager of Rockwood Water Sewer and Gas.

(3) If, in the judgment of the General Manager or his/her designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the general manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the general manager or his/her designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from Rockwood Water Sewer and Gas or their designee shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (1970 Code, § 8-404, as replaced by Ord. #12-42, Aug. 2017)

18-305. New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting Rockwood Water Sewer and Gas for approval. (1970 Code, § 8-405, as replaced by Ord. #12-42, Aug. 2017)

18-306. Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from Rockwood Water Sewer and Gas. (1970 Code, § 8-406, as replaced by Ord. #12-42, Aug. 2017)

18-307. Inspections. The general manager or his/her designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved, and shall be established by Rockwood Water Sewer and Gas in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. Rockwood Water Sewer and Gas will have the right to exceed the guidelines if the general manager deems necessary to further protect the public water supply. (1970 Code, § 8-407, as replaced by Ord. #12-42, Aug. 2017)

18-308. Right of entry for inspections. The general manager or his/her authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to Rockwood Water Sewer and Gas public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (1970 Code, § 8-408, as replaced by Ord. #12-42, Aug. 2017)

18-309. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the general manager or his/her representative shall assign an appropriate amount of time, but in no case, shall the time for corrective measures exceed ninety (90) days, unless the manager determines that due to unusual circumstances additional time should be granted.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, Rockwood Water Sewer and Gas shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the onsite piping system

unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the general manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the general manager or his/her representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the general manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customers on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the general manager, warrants disconnection prior to a due process hearing. (1970 Code, § 8-409, as replaced by Ord. #12-42, Aug. 2017)

18-310. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to Rockwood Water Sewer and Gas that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and Rockwood Water Sewer and Gas, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by Rockwood Water Sewer and Gas prior

to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross connection control inspector shall require immediate or a short amount of time (thirty (30) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

- (a) High risk high hazards:
 - (i) Mortuaries, morgues, autopsy facilities.
 - (ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices.
 - (iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations.
 - (iv) Premises with auxiliary water supplies or industrial piping systems.
 - (v) Chemical plants (manufacturing, processing, compounding, or treatment).
 - (vi) Laboratories (industrial, commercial, medical research, school).
 - (vii) Packing and rendering houses.
 - (viii) Manufacturing plants.
 - (ix) Food and beverage processing plants.
 - (x) Automated car wash facilities.
 - (xi) Extermination companies.
 - (xii) Airports, railroads, bus terminals, piers, boat docks.
 - (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.
 - (xiv) Metal plating, pickling, and anodizing operations.
 - (xv) Greenhouses and nurseries.
 - (xvi) Commercial laundries and dry cleaners.
 - (xvii) Film laboratories.
 - (xviii) Petroleum processes and storage plants.
 - (xix) Restricted establishments.
 - (xx) Schools and educational facilities.
 - (xxi) Animal feedlots, chicken houses, and CAFOs.
 - (xxii) Taxidermy facilities.

(xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross connections contaminating the system, a time period of ninety (90) days maximum (unless additional time is granted by the general manager) will be allowed for corrections. High hazard is a cross connection or potential cross connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease (see Appendix A of manual).

(4) Application requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Rockwood Water Sewer and Gas as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall require a reduced pressure backflow prevention device shall be required where:

(i) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(ii) Premises have unusually complex piping systems;

(iii) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bib vacuum breaker be installed on the faucet used for filling.

(5) The general manager or his/her representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by Rockwood Water Sewer and Gas who is knowledgeable in the proper installation. Only

licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bib vacuum breakers). All fittings shall be of brass construction, unless otherwise approved by Rockwood Water Sewer and Gas, and shall permit direct connection to department test equipment

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either; (i) the floor, (ii) the top of opening(s) in the enclosure or (iii) maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices, up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by Rockwood Water Sewer and Gas. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of plus forty degrees Fahrenheit (+40° F) with an outside temperature of minus thirty degrees Fahrenheit (-30° F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, Rockwood Water Sewer and Gas shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, Rockwood Water Sewer and Gas may require the installation of a duplicate device.

(p) Rockwood Water Sewer and Gas shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to Rockwood Water Sewer and Gas. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise, the removal, bypassing or alternation of

a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of Rockwood Water Sewer and Gas.

(6) **Testing of devices.** Devices shall be tested at least annually by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices as required by Rockwood Water Sewer and Gas. A record of this test will be on file with Rockwood Water Sewer and Gas and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. All charges for testing will be billed to the customer. (as replaced by Ord. #12-42, Aug. 2017)

18-311. Non-potable supplies. The potable water supply made available to a premise served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of Rockwood Water Sewer and Gas, such coding is necessary to identify and protect the potable water supply. (as added by Ord. #12-42, Aug. 2017)

18-312. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with Rockwood Water Sewer and Gas a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #12-42, Aug. 2017)

18-313. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #12-42, Aug. 2017)

18-314. Provision applicable. The requirements contained in this chapter shall apply to all premises served by Rockwood Water Sewer and Gas and are hereby made part of the conditions required to be met for Rockwood Water Sewer and Gas to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of Rockwood Water Sewer and Gas is entitled to a due process hearing upon timely request. (as added by Ord. #12-42, Aug. 2017)

CHAPTER 4

WATER, SEWERS, AND GAS¹

SECTION

- 18-401. Fluoridation of water supply.
- 18-402. Initial deposits and charges for water and sewer service.
- 18-403. Water rates and bills.
- 18-404. Water rate relief for retired persons.
- 18-405. Sewer service charges and bills.
- 18-406. Discontinuance of service to delinquent users.
- 18-407. Uniform application of rates.
- 18-408. Use of water, sewers, and fire hydrants by the city.
- 18-409. Special account for water, sewer, and gas revenues.
- 18-410. Gas deposits.
- 18-411. Installation and ownership of, and access to gas facilities.
- 18-412. Gas extension policy.
- 18-413. Gas connection charges.
- 18-414. Gas rates.
- 18-415. Authority to negotiate non-interruptible gas service contracts.
- 18-416. Interruptions in gas service.
- 18-417. Discontinuance of gas service.
- 18-418. Payment for services rendered by the city.
- 18-419. Building permit or certificate of occupancy required before service is supplied.
- 18-420. Sewer rates for low volume commercial water customers.

18-401. Fluoridation of water supply. The water department is hereby authorized and instructed to make plans for the fluoridation of the city water supply; to submit such plans to the department of health of the state for approval; and, upon approval shall add such fluorides to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

The cost of such fluoridation will be borne by the revenue of the water department. (1970 Code, § 13-202)

18-402. Initial deposits and charges for water and sewer service. Each user of water from the municipal water works system and each user of the municipal sewer system shall deposit with the secretary-treasurer of the board

¹Municipal code reference

Board of waterworks, sewerage, and natural gas commissioners: title 2, chapter 4.

of water works, sewerage, and natural gas commissioners at the time his application for water and sewage service is approved, a sum equivalent to his estimated monthly water and sewage bill. The deposit shall be retained by the city as surety for the payment of water and sewage bills, and may be applied to any delinquent bills, but shall be returned to the user at such time as the user declines further service, provided all charges for service have been paid. In the event the user is applying for a new service connection he shall pay in addition to the deposit an installation charge as established by the board of water works, sewerage, and natural gas commissioners. (1970 Code, § 13-203, modified)

18-403. Water rates and bills. The sale of water shall be conducted on a meter basis and each and every user of services within the corporate limits of the City of Rockwood shall be billed at the following rates:

<u>Inside City</u>	<u>Outside City</u>	<u>South Roane County</u>
1 to 200 CF (min) \$13.07	\$22.85	\$29.77
201 to 1000 (per 100 CF) \$3.85	\$6.73	\$7.18
over 1000 cubic feet \$1.59 per 100 cubic feet	over 1000 cubic feet \$2.77 per 100 cubic feet	over 1000 cubic feet \$3.96 per 100 cubic feet

Water rates for large commercial users may be at such amount as is fair and equitable and as agreed upon by the parties under written contract.

All charges are subject to a penalty of ten percent (10%) of the amount of charges when they are not paid by the specified due date for the particular cycle.

These rates are to take effect in the form of three (3) increases from the rate established in ordinance 955. Each increase will be one-third (1/3) of the total rate increase. The first increase is to take effect September 1, 1999. The second increase is to take effect November 1, 1999. The third and final increase is to take effect January 1, 2000. (1970 Code, § 13-204, modified, as amended by Ord. #1031, Aug. 1999, and Ord. #12-27, Feb. 2016)

18-404. Water rate relief for retired persons. Any individual or family who is retired on a total income that is 125 percent or less of current federal poverty guidelines in effect at time of application shall be eligible to apply for a water rate schedule that shall be the water rate schedule in effect less five per cent (5%).

Total income shall be considered the sum total of Social Security, other retirement pay, investments and part-time employment. Benefits from a federal or state program shall not be considered income if the guidelines for that program prohibit the use of such benefits in determining eligibility. (1970 Code, § 13-204.1)

18-405. Sewer service charges and bills. For the purpose of constructing, maintaining and operating a proper sewage disposal system in compliance with requirements of TCA, §§ 7-35-101 -- 7-35-432, there shall be imposed a charge in the amount of one hundred sixty percent (160%) of monthly water bills to each user of said sewage system. The minimum charge shall be established by resolution by the city council. (1970 Code, § 13-205, modified, as amended by Ord. #12-1145, July 2011, and Ord. #11-91, Aug. 2014)

18-406. Discontinuance of service to delinquent users. Regulations establishing delinquent dates and governing the collection of delinquent payments shall be established by the board of water works, sewerage, and natural gas commissioners.

18-407. Uniform application of rates. No free service shall be rendered to any user of water or sewers, and all users shall be billed in accordance with the above schedule of rates. (1970 Code, § 13-207)

18-408. Use of water, sewers, and fire hydrants by the city. The City of Rockwood and all other public users of water and sewage shall be billed for water and sewage service in accordance with the rates established by resolution by the city council. In addition, the city council shall by resolution establish and pay to the water system a monthly fire hydrant rental charge for all fire hydrants now or hereafter installed within the city limits. (1970 Code, § 13-208, modified)

18-409. Special account for water, sewer, and gas revenues. All funds collected from the sale of water, sewer services, and natural gas shall be handled, deposited, and used in accordance with the terms of the bond ordinance heretofore passed providing for the issuance and sale of a \$1,713,000.00 waterworks, sewer, and natural gas refunding bonds, series 1965. (1970 Code, § 13-209)

18-410. Gas deposits. Each gas customer shall deposit with the city such reasonable sums of money as may be required by the board of water works, sewerage, and natural gas commissioners as continuing security for the performance of the obligations contracted for by the customer. (1970 Code, § 13-211, modified)

18-411. Installation and ownership of, and access to gas facilities. The city shall install and own all gas service mains, meters, and service lines on the street side of the meter. The customer shall own and install in accordance with the requirements of the city's gas code all gas service lines on the customer's side of the meter. Authorized representatives of the city shall have

access at all reasonable times to all gas meters and lines, etc., which may be located on customer's premises. (1970 Code, § 13-212)

18-412. Gas extension policy. An extension of gas service mains will be made to any person with the city bearing all the costs thereof provided the board of water, sewerage, and natural gas commissioners is satisfied that the investment for such extension will earn a fair and adequate return. However, if the board decides that an extension will not show a fair and adequate return, the city may require the applicant for such service to pay all or a part of the costs of such extension. When the customer makes an extension he shall be required to convey all his rights, title, and interest in the same to the city before gas shall be supplied thereto. However, thereafter, such extension shall be maintained by the city without additional costs to the customer. (1970 Code, § 13-213)

18-413. Gas connection charges. Each applicant for gas service shall be required to pay a connection fee for the installation of the line. The charges shall be only from the property line to the meter. (1970 Code, § 13-214, modified)

18-414. Gas rates. All gas furnished by the city shall be supplied at rates established by resolution by the city council.

No free service shall be rendered to any user of natural gas, and all users shall be billed in accordance with the rates established by the city council. (1970 Code, § 13-215, modified)

18-415. Authority to negotiate non-interruptible gas service contracts. The board of waterworks, sewerage, and gas commissioners shall have the authority to negotiate and contract, with any industrial firm or corporation, agreements by the city to furnish natural gas to the industrial firm or corporation on a non-interruptible basis at reasonable rates agreed upon by the board of waterworks, sewerage, and gas commissioners and the industrial firm or corporation; provided that any agreement to supply natural gas on a non-interruptible basis shall not in any way materially impair or decrease the supply of natural gas to customers receiving natural gas on a basis other than non-interruptible. (1970 Code, § 13-216, modified)

18-416. Interruptions in gas service. The city will endeavor to furnish continuous gas service, and to maintain reasonably constant pressure, but the city cannot and does not guarantee to the consumer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption or disturbance of service whatsoever.

In connection with the operation, maintenance, repair and extension of the city's gas system, the gas supply may be shut off without notice, when

necessary or desirable; and each customer must be prepared for such emergencies. The city shall not be held liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1970 Code, § 13-218)

18-417. Discontinuance of gas service. The board of water works, sewerage, and natural gas commissioners shall have the right to discontinue gas service to any customer who is in default in the payment of any obligation due the city for gas service. (1970 Code, § 13-219, modified)

18-418. Payment for services rendered by the city. The water, sewer and natural gas department shall pay the City of Rockwood for services rendered by the city \$50,000 per year, to be divided into twelve (12) equal payments. (1970 Code, § 13-221)

18-419. Building permit or certificate of occupancy required before service is supplied. Prior to the provision of electric, water, gas, or sewer utility services to a site the service provider shall require the applicant to provide a valid building permit or certificate of occupancy. A certificate of occupancy may be issued without inspection of an existing structure, residential or business, provided the building inspector determines that the property complies with zoning requirements and that an inspection is not required under the provisions of title 13, chapter 2 and/or other municipal ordinances and codes. (1970 Code, § 13-222)

18-420. Sewer rates for low volume commercial water customers.

(1) A commercial customer using no more than three thousand (3,000) cubic feet of water at said customer's commercial service location during a monthly billing cycle and having no restroom facilities, shower facilities, bathing facilities, washing facilities or sinks connected to the sewer system at said service location, shall be charged during said monthly billing cycle, a sewer fee of twenty dollars (\$20.00).

(2) To be eligible for this sewer fee, the customer must first apply and then allow a representative from the Rockwood Water, Sewer and Gas Department to inspect the commercial location where water service is provided to verify that the location has no restroom facilities, shower facilities, bathing facilities, washing facilities or sinks connected to the sewer. Said Customer must also allow a representative from the Rockwood Water, Sewer and Gas Department to inspect said location on an annual basis to confirm that said location has no restroom facilities, shower facilities bathing facilities, washing facilities or sinks connected to the sewer.

(3) This rate shall apply only during monthly billing cycles when the service location uses no more than three thousand (3,000) cubic feet of water. For any monthly billing cycle when the location receives more than three

thousand (3,000) cubic feet of water, the regular sewer rate charged to all other commercial customers shall apply. (as added by Ord. #12-14, Sept. 2015)

TITLE 19

ELECTRICITY AND GAS¹

[RESERVED FOR FUTURE USE]

¹Municipal code references

Board of waterworks, sewerage and gas commissioners: title 2,
chapter 4.

Water, sewers, and gas: title 18, chapter 4.

TITLE 20**MISCELLANEOUS****CHAPTER**

1. DEPARTMENT OF PARKS AND RECREATION.
2. FAIR HOUSING REGULATIONS.
3. THE ROCKWOOD MUNICIPAL AIRPORT.
4. PUBLIC RECORDS POLICY.
5. CERTIFIED MAIL.
6. SOCIAL MEDIA POLICY.
7. ROCKWOOD MUNICIPAL PARK.
8. UNAUTHORIZED USE OF ELECTRICITY.

CHAPTER 1**DEPARTMENT OF PARKS AND RECREATION****SECTION**

- 20-101. Department of parks and recreation created.
- 20-102. Members - terms - vacancies - removal.
- 20-103. Duties of the commission.
- 20-104. Internal treasurer authorized.
- 20-105. Skateboard park regulations.

20-101. Department of parks and recreation created. Pursuant to Tennessee Code Annotated, §§ 11-24-101--11-24-110 there is hereby created the Department of Parks and Recreation for the City of Rockwood, which shall be governed by a commission appointed by the governing body of the City of Rockwood. (1970 Code, § 1-1201)

20-102. Members - terms - vacancies - removal. The parks and recreation commission shall consist of five members appointed by the governing body to serve for terms of five (5) years or until their successors are appointed, except that the members of the commission first appointed shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. The members of the commission shall be compensated \$50.00 per month for their services. The commission shall have the following representation: One (1) from the Rockwood City Council and four (4) resident citizens of the Rockwood Planning Region of which three (3) must reside within the corporate limits of the City of Rockwood. Vacancies in the commission shall be filled only for the unexpired term and shall maintain the stated representation and such appointments shall be filled by the governing body. The term of the city council representative shall not exceed the term of his elected office.

The commission shall give the governing body written notice of vacancies within ten (10) days after the next regular meeting of the commission following the death, resignation, or removal of a commission member.

A commission member may be removed by a majority vote of the governing body, upon the recommendation of the commission. A commission member may be removed from office for willful misconduct, incompetency, or failure to execute the charges of his office for a period not less than four (4) nor longer than six (6) months. At no time shall a member of the commission be removed without first being given six (6) weeks' written notice stating the charges against him by the commission at the direction of the governing body and after he has been given the opportunity for a public hearing before the governing body. (1970 Code, § 1-1202)

20-103. Duties of the commission. (1) The parks and recreation commission shall establish, operate, equip, maintain, improve, determine the size and recommend the location of parks, playgrounds and recreational areas and facilities for the City of Rockwood, as hereinafter provided.

(2) The commission shall elect from its membership the following specified officers and any other officers as may be required:

- (a) Chairman.
- (b) Secretary.

Any member of the commission shall be eligible to hold office except that the city council representative shall not be eligible to hold the office of chairman. The term of office of chairman shall not be more than four years.

(3) The commission shall keep adequate and accurate records of all its findings, proceedings, and transactions. Such records shall be open and available for public inspection at all reasonable times. A copy or the original of all records shall be filed at the Rockwood City Hall. The commission may adopt such rules and regulations as are necessary for the operation of all parks and recreational facilities in its charge.

(4) The commission is hereby authorized to collect for the City of Rockwood fees and charges for use of facilities. Such collections shall be submitted to the city's financial officer. The commission shall keep an accurate record of all collections. The commission shall further submit to the City of Rockwood an annual budget which shall include an itemized estimate of operational costs, capital costs, and anticipated revenues to be generated by the commission. All authorized expenditures within budget limits shall be paid by the City of Rockwood.

(5) The commission may cooperate with other agencies in carrying out its program and, with the approval of the Rockwood City Council, may enter into agreements with the state and federal governments or with the park and recreation commission or other corresponding body of other counties or municipalities for the joint establishment and financing of parks, recreation areas or supervised recreational programs.

(6) The commission may enter into contracts with private persons or agencies, individually or jointly, for the leasing of concession privileges within the parks or recreation areas operated by said commission and such contracts shall set forth the standards to be observed by the lessee regarding the construction, appearance, maintenance, and operation of all facilities. All rentals and fees accruing from such contracts shall be paid into the general funds of the City of Rockwood to the account of the park and recreation commission.

(7) The commission shall recommend to the city council the employment of trained recreation leaders, recreational area directors, supervisors, superintendents or such other employees as it may deem necessary for the proper management and conduct of the work, and it may contract with other agencies for such services as it may require. The commission may adopt such rules and regulations as are necessary for the operation of the parks as it may be authorized and directed by the city council.

(8) Rockwood through its park and recreation commission may apply to the state department of conservation and other state and federal agencies for advice and consultation pertaining to the planning, acquisition, establishment, development, maintenance, operation, and enlargement of park and recreation areas, systems, facilities, and programs. (1970 Code, § 1-1203)

20-104. Internal treasurer authorized. An internal treasurer is authorized for the department. The treasurer shall receive funds and disburse same for the department on an internal basis. These funds are to be separate and apart from the duly authorized budget for the department as adopted by city council, and shall not be a part of the parks and recreation department budget, as set forth by the council. The treasurer shall furnish monthly reports to the council. (1970 Code, § 1-1204)

20-105. Skateboard park regulations. 1. Definitions. For the purposes of this section words or phrases are defined as follows:

a. "Skateboard park" shall mean the portion of the municipal tennis court complex abutting south Gateway Avenue which has been set aside and dedicated for use by persons using rollerblades, skateboards and similar devices as defined hereinafter.

b. "Skateboard and rollerblade" shall mean skateboard, rollerblade, in-line skate, roller skate and any other similar device approved by the recreation department for use in the Rockwood Skateboard Park.

2. Regulations. It shall be unlawful for any person within the skateboard park to:

a. Ride, operate, or use any device other than rollerblades or a skateboard;

b. Ride, operate, or use rollerblades or a skateboard unless that person is wearing a helmet designed for use with rollerblades or a skateboard and is in good repair at all times during use;

c. Place or utilize additional obstacles or other materials (including, but not limited to ramps or jumps) that are not specifically authorized by the director of recreation;

d. Ride, operate, or use rollerblades, bicycles, or a skateboard before or after the posted hours of operation;

e. Use or consume alcohol, tobacco products, or illegal drugs;

f. Use or possess glass containers, bottles or other breakable glass products;

g. Fail to obey any other rule or regulation posted on or near the facility by order of the director of recreation.

3. Director of recreation to post regulations. The director of recreation shall post on or near all entrances to the Rockwood Skateboard Park a sign or signs that clearly summarize the regulations set forth in this section, and any other rules or regulations that the director of recreation deems reasonably necessary for the safe operation of the facility. The sign or signs to be posted shall include the following language:

a. Eviction. Any person found to be in violation of this chapter and section or a regulation duly posted on the sign required by § 20-105 shall be subject to eviction from the skateboard park.

b. Penalty. The privilege of any person to use the Rockwood Skateboard Park is expressly conditioned upon compliance by that person with the provisions of this section. A violation of any provision of this section shall be deemed an infraction punishable by a fine and/or temporary or permanent eviction from the facility. (as added by Ord. #06-1091)

CHAPTER 2

FAIR HOUSING REGULATIONS

SECTION

- 20-201. Policy.
- 20-202. Definitions.
- 20-203. Unlawful practice.
- 20-204. Discrimination in the sale or rental of housing.
- 20-205. Discrimination in the financing of housing.
- 20-206. Discrimination in the provision of brokerage services.
- 20-207. Exemption.
- 20-208. Administration.
- 20-209. Education and conciliation.
- 20-210. Enforcement.
- 20-211. Investigations; subpoenas; giving of evidence.
- 20-212. Enforcement by private persons.

20-201. Policy. It is the policy of the City of Rockwood to provide, within constitutional limitations, for fair housing throughout the community. (1970 Code, § 4-701)

20-202. Definitions. (1) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporation, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-204, 20-205 or 20-206. (1970 Code, § 4-702)

20-203. Unlawful practice. Subject to the provisions of subsection (2) and § 20-207, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-204 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-204 shall apply to:

(a) Any single-house sold or rented by an owner: Provided that such private individual owner does not own more than three such

single-family houses at any one time: Provided further that in the case of the sale of any such single-house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further that the sale or rental of any such single-family house shall be excepted from the application of this title if such house is sold or rented:

(i) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and

(ii) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-204(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental service in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) he is the owner of any dwelling designated or intended for occupancy by, or occupied by, five or more families. (1970 Code, § 4-703)

20-204. Discrimination in the sale or rental of housing. As made applicable by § 20-203 and except as exempted by §§ 20-203(2) and 20-207, it shall be unlawful:

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

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

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

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

(5) For profit, to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status or handicap. (1970 Code, § 4-704)

20-205. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, to discriminate against him in the fixing of the amount, interest, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or handicap of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-203(2). (1970 Code, § 4-705)

20-206. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him the terms of conditions of such access,

membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicap. (1970 Code, § 4-706)

20-207. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members. (1970 Code, § 4-707)

20-208. Administration. (1) The authority and responsibility for administering this act shall be in the Mayor of the City of Rockwood.

(2) The mayor may delegate any of these function, duties, and powers to employees of the community or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The mayor shall be rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the mayor to further such purposes. (1970 Code, § 4-708)

20-209. Education and conciliation. Immediately after the enactment of this chapter, the mayor shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement. (1970 Code, § 4-709)

20-210. Enforcement. (1) Any person who claims to have been injured by discriminatory housing practice or who believes that he will be irrevocable injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor. Complaints shall be in writing and shall contain such information and be in such form as the mayor

requires. Upon receipt of such a complaint, the mayor shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If mayor decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the mayor, the mayor has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor will assist in this filing.

(4) If the mayor has been unable to obtain voluntary compliance with thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the mayor shall immediately terminate all efforts to obtain voluntary compliance. (1970 Code, § 4-710)

20-211. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the mayor shall have access at all reasonable times

to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The mayor may administer oaths.

(2) Upon written application to the mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor to the same extent and subject to the same limitations as subpoenas issued by the mayor himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after service of a subpoena upon any person, such person may petition the mayor to revoke or modify the subpoena. The mayor shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the mayor, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the mayor pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify

any documentary evidence shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The city attorney shall conduct litigation in which the mayor participates as a party or as amicus pursuant to this chapter. (1970 Code, § 4-711)

20-212. Enforcement by private persons. (1) The rights granted by §§ 20-203, 20-204, 20-205, and 20-206 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred. Provided, however, that the court shall continue such civil case brought to this section or § 20-210(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities; or

(b) Affording another person or class of persons opportunity or protection so to participate, or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000, or imprisoned no more than one year, or both; and, if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (1970 Code, § 4-712)

CHAPTER 3**THE ROCKWOOD MUNICIPAL AIRPORT****SECTION**

- 20-301. Unauthorized vehicles.
- 20-302. Loitering.
- 20-303. Exceptions.
- 20-304. Other trespasses.

20-301. Unauthorized vehicles. It shall be unlawful for any person to drive, propel, or stop any vehicle of any kind or character (other than a duly licensed aircraft operating under license or authority of the Federal Aviation Agency and/or the Tennessee Aeronautics Commission) at the Rockwood Municipal Airport on any portion of the paved aircraft runway now extending across the property a length of approximately 4,400 feet and a width of 100 feet or on any portion of the graded and grass sown air strip extending 150 feet on either side of said paved runway, or on any portion of the paved aircraft taxiway extending from said runway to the paved aircraft parking area or ramp lying at the southwest end of said runway and in a westerly direction therefrom, or on any portion of said paved aircraft parking area or ramp. (1970 Code, § 12-401)

20-302. Loitering. It shall be unlawful for any person to walk upon or over or to loiter about any of the area or portions of said airport set forth in § 20-301. (1970 Code, § 12-402)

20-303. Exceptions. None of the foregoing provisions in this chapter shall apply to or prohibit the use of any of the areas or portions of said airport set forth in § 20-301 by the following:

(1) Vehicles or personnel (either employees or officials) of the City of Rockwood, the State of Tennessee, and/or the United States of America in the discharge of official duties incident to the construction, operation, and management of the airport.

(2) Vehicles or personnel of duly authorized contractors or agents of said City of Rockwood while engaged in the performance of necessary construction, maintenance and development of the airport.

(3) Vehicles or personnel of any airline or air carrier duly certificated by state or federal authorities to use the airport for the operation of aircraft.

(4) Ambulances, wreckers, and/or fire fighting equipment and the personnel operating the same in case of any accident, casualty or emergency occurring or impending within any of the areas as set forth hereinabove. (1970 Code, § 12-403)

20-304. Other trespasses. It shall be unlawful for any person to make any use of, or to trespass upon or loiter about any portion of the lands owned by the City of Rockwood and comprising the airport property, in violation of the terms of any sign or warning conspicuously posted and erected by the duly authorized officials of the city, or in violation of the directions or instructions of any officer or employee of the city having police powers at the time of such directions or instructions. (1970 Code, § 12-404)

CHAPTER 4

PUBLIC RECORDS POLICY

SECTION

20-401. Definitions.

20-402. Requesting access to public records.

20-403. Responding to public records requests.

20-404. Inspection of records.

20-405. Copies of records.

20-406. Fees and charges and procedures for billing and payment.

20-401. Definitions. (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record (see Tennessee Code Annotated, § 10-7-503(a)(1)(C)). The records custodian is not necessarily the-original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency (see Tennessee Code Annotated, § 10-7-503(a)(1)(A)).

(3) "Public records request coordinator." The individual, or individuals, designated in § 20-403(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA (see Tennessee Code Annotated, § 10-7-503(a)(1)(B)). The public records request coordinator may also be a records custodian.

(4) "Requester." A person seeking access to a public record, whether it is for inspection or duplication. (1970 Code, § 1-1701, as replaced by Ord. #11-75, Aug. 2013 and Ord. #12-37, April 2017)

20-402. Requesting access to public records. (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing or email address from the requestor for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing on Form A at Rockwood City Hall, 110 N. Chamberlain Ave., Rockwood Tennessee 37854 by phone at 865-354-0611.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing on Form A¹ in person or by mail at Rockwood City Hall , 110 N. Chamberlain Avenue, Rockwood, Tennessee 37854.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records. (as added by Ord. #12-37, April 2017)

20-403. Responding to public records requests. (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If City of Rockwood is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Forms(s) required for copies;

(C) Fees and labor threshold and waivers, if applicable; and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen;

(B) The request lacks specificity;

(C) An exemption makes the record not subject to disclosure under the TPRA;

(D) The City of Rockwood is not the custodian of the requested records; or

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in the City of Rockwood.

(c) The designated PRRC(s) is(are):

(i) Name or title: The Rockwood City Recorder.

¹Form A may be found in the office of the recorder.

(ii) Contact information: Rockwood City Hall, 110 N. Chamberlain Ave., Rockwood, Tennessee 37854 or by phone at 865-354-0611.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached as Form B,¹ based on the form developed by the OORC .

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-403(1)(b)(ii) and may use the Public Records Request Response Form B.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form B to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given

¹Form B may be found in the recorder's office.

for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #12-37, April 2017)

20-404. Inspection of records. (1) There shall be no charge for inspection of public records.

(2) The location for inspection of records within the offices of the City of Rockwood shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #12-37, April 2017)

20-405. Copies of records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Rockwood City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the city upon which the records will be downloaded. (as added by Ord. #12-37, April 2017)

20-406. Fees and charges and procedures for billing and payment. Fees and charges for copies of public records should not be used to hinder access to public records.

(1) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(2) Fees and charges for copies are as follows:

(a) \$0.15 per page for letter- and legal-size black and white copies.

(b) \$0.50 per page for letter- and legal-size color copies.

(c) The actual cost of any other medium upon which a record/information is being produced.

(d) Labor when time exceeds one (1) hour.

(e) If an outside vendor is used, the actual costs assessed by the vendor.

(3) Payment is to be made in cash, by personal check, or by credit card payable to the City of Rockwood and presented to the city recorder or city clerk.

(4) Payment in advance will be required when fees and charges for copies exceed fifteen dollars (\$15.00).

(5) Aggregation of frequent and multiple requests:

(a) The City or Rockwood will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) If more than four (4) requests are received within a calendar month:

(i) Records requests will be aggregated at the entity level.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: meeting agendas and approved minutes. (as added by Ord. #12-37, April 2017)

CHAPTER 5

CERTIFIED MAIL

SECTION

20-501. Certified mail.

20-501. Certified mail. Certified mail may be used instead of registered mail whenever any provision of the Rockwood Municipal Code or any ordinance adopted by the Rockwood City Council requires a notice to be given by registered mail. (as added by Ord. #12-05, April 2015)

CHAPTER 6

SOCIAL MEDIA POLICY

SECTION

- 20-601. Purpose.
- 20-602. Policy statement.
- 20-603. Background.
- 20-604. Definitions.
- 20-605. Policy.
- 20-606. Violations.

20-601. Purpose. The purpose is to provide guidance to employees, supervisors and management of the City of Rockwood, and the various departments thereof, to clarify the boundaries between appropriate and inappropriate use of social media and to provide guidelines on the management, administration, and oversight. This policy will collectively refer to employees, supervisors and management, both full-time and part-time, as "employees." This policy addresses social media in general terms as technology will outpace the ability to discover emerging technology and create policies governing its use. The inappropriate use of social media may lead to actual harm and disruption to the city in terms of the public's perception of the organization as willing to render services to them.

This policy endorses the secure use of social media to enhance communication, collaboration, and information exchange, streamline processes and foster productivity. This policy establishes the city's position on the utility and management of social media and provides guidance on its management, administration and oversight. (as added by Ord. #12-72, Oct. 2020 *Ch4_06-20-22*)

20-602. Policy statement. Engaging in social media and social networking activities is a form of speech. Nothing in these rules is intended to unlawfully restrict an employee's right to discuss, as a private citizen, matters of public concern, nor engage in concerted activity with co-workers. Employees have an affirmative obligation to avoid being perceived as a spokesperson for the City of Rockwood, or for any specific department thereof, except a department head or a department head's designate, is considered the spokesperson for that particular department.

Social media provides new and potentially valuable means of assisting the City of Rockwood and its departments in meeting community outreach, problem-solving, and performing governmental duties and functions. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The personal use of social media can have a bearing on city employees in their official capacity. As

such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media. (as added by Ord. #12-72, Oct. 2020 *Ch4_06-20-22*)

20-603. Background. Facebook, Twitter, Instagram, and other social media outlets and systems are available and used by many people, including employees, and the city itself. Social media provides a valuable means of assisting the city in meeting community education, community information, fire prevention, crime prevention, investigation, and other related organizational and community objectives. This policy identifies possible uses that may be evaluated and used as deemed necessary by the city and departmental administrators. (as added by Ord. #12-72, Oct. 2020 *Ch4_06-20-22*)

20-604. Definitions. (1) Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

(2) Harassment: Is the systematic and/or continued unwelcome actions of one (1) party or group intended to demean, threaten, intimidate, or alarm another party or group.

(3) Hate speech: Is speech that attacks a person or group on the basis of attributes including race, ethnic origin, national origin, skin color, gender (including status as pregnant or nursing), religion, disability, age, or sexual orientation, indicating a level of intolerance or hostility that is incompatible with a commitment to serve all members of the community.

(4) Page: Is the specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

(5) Post: Content an individual shares on a social media site or the act of publishing content on a site.

(6) Profile: Information that a user provides about himself or herself on a social networking site.

(7) Social media: A category of Internet-based resources that enable the user to generate content and encourage other user participation. This includes, but is not limited to, social networking sites: Facebook, Instagram, Twitter, YouTube, Wikipedia, blogs microblogging sites, photo- and video-sharing sites, wikis, blogs, news sites and other sites (there are many social media sites and this is only a representative list).

(8) Social networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

(9) Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or any related forms of communication.

(10) Spokesperson for the city: An employee who makes a statement: on behalf of the city of any department thereof; in his/her capacity as an employee

of the city; or in such a way that it may reasonably be attributed to the city as opposed to making the statement as a private citizen.

(11) Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

(12) Wiki: Web page(s) that can be edited collaboratively. (as added by Ord. #12-72, Oct. 2020 *Ch4_06-20-22*)

20-605. Policy. (1) Strategic policy. (a) Determine strategy.

(i) Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the city's presence on the website.

(ii) Social media page(s) shall link to or reference the city's or department's official city website.

(iii) Social media page(s) shall be designed for the target audience(s) such as the community, civic leadership, employees, or potential recruits.

(b) Procedures.

(i) All departmental social media sites or pages shall be approved by the department head and shall be administered by the department head or his/her designee. All city social media sites or pages not specific to one (1) department shall be approved by the city administrator and shall be administered by the city administrator or his/her designee.

(ii) Social media pages shall clearly indicate they are maintained by the city or a department thereof, and shall have the city or department logo and contact information prominently displayed.

(iii) Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies of the city.

(iv) Social media content is subject to open public records laws.

(v) Relevant records retention schedules apply to social media content.

(vi) Content must be managed, stored, and retrieved to comply with open records laws, e-discovery laws and policies.

(vii) Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.

(viii) Social media pages shall clearly indicate that posted comments will be monitored and that the city and its departments reserve the right to remove obscenities, off-topic comments, and personal attacks.

(ix) Social media pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

(2) City-sanctioned use. Employees representing the city or any of its departments on social media outlets shall comply with the following:

(a) The use of city-owned computers by employees to access social media is prohibited without authorization.

(b) Shall conduct themselves at all times as representatives of the city and shall adhere to all city and departmental standards of conduct, and observe conventionally accepted protocols and proper decorum.

(c) Shall identify themselves as an employee of the city and department for which the employee works.

(d) Shall not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to training, responses, activities, or work-related assignments without express written permission from the appropriate supervisor or department head.

(e) Shall not make statements about the guilt or innocence of any criminal suspect or arrestee, or comments concerning pending prosecutions.

(f) Shall never post photos of EMS patients treated by the fire department.

(g) Shall not conduct political activities or private business.

(h) Shall not use personally-owned devices to manage the city or department's social media activities or in the course of official duties.

(i) Shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

(3) Potential uses. Social media is a valuable tool when providing information about:

(a) Road closures.

(b) Special events.

(c) Weather emergencies.

(d) Updates on city and departmental programs and activities.

(e) Major ongoing events in the jurisdiction that affects the entire community.

(f) Employment opportunities - Persons seeking employment and volunteer positions use the Internet to search for opportunities.

(g) Social media can be useful by the police department for community outreach and engagement by:

(i) Providing crime prevention tips;

(ii) Offering online reporting opportunities;

(iii) Sharing crime maps and data; and

(iv) Soliciting tips about unsolved crimes.

(h) Social media is a valuable investigative tool for the police department when seeking evidence or information about:

- (i) Missing persons;
- (ii) Wanted persons;
- (iii) Gang participation;
- (iv) Crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
- (v) Photos or videos of a crime posted by a participant or observer.

(i) Background checks - For authorized employees to conduct a background check on potential employees or volunteers.

(i) The city has an obligation to include Internet-based content when conducting background investigations of job candidates.

(ii) Searches should be conducted by city administrator or department head, or with permission therefrom and only for the purposes of providing possible background material on an employee candidate.

(iii) Information pertaining to protected class status shall be filtered out prior to sharing any information found online with decision makers.

(iv) Persons authorized to search Internet-based content shall be deemed as holding a sensitive position and shall keep and treat all information found as confidential.

(v) Search methods shall not involve techniques that are a violation of existing law.

(vi) Vetting techniques using social media as one (1) of many resources to provide valid and up to date information shall be applied uniformly to all candidates.

(vii) Every effort must be made to validate Internet-based information considered during the hiring process.

(viii) An Internet search shall not be the only mechanism used to provide background information on a possible candidate.

(4) Personal use, precautions, and prohibitions. City employees shall adhere to the following when using social media. (a) City employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of their duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the city or any department. No employee, while speaking as a private citizen on a matter of public concern, shall speak in such a way as to cause actual harm or disruption to the mission and functions of the city or any department.

(b) Employees may speak on a matter of public concern as a spokesperson for the city or a department only with permission through the chain of command.

(c) As public employees, city employees are cautioned that their speech either on or off-duty, and in the course of their official duties that has a connection to the employee's professional duties and responsibilities, may not be protected speech under the First Amendment, and may form the basis for discipline if deemed detrimental to the city or to any department.

(d) Speech that violates this policy may form the basis for discipline if deemed detrimental to the city or any department.

(e) City employees shall assume that their speech and related activity on social media sites will reflect upon their position of employment and on their employer.

(f) City employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from their department head.

(g) City employees shall use good judgment, moral conduct, and adhere to the professional standards and code of conduct of the city and their department if they elect to do the following on personal social media pages or outlets:

(i) Identify themselves as an employee of the city or of a department and/or display department logos, uniforms, or similar identifying items on personal web pages.

(ii) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a city employee.

(iii) Understand that when using social media, anything they say or post becomes a permanent part of the World Wide Web.

(iv) Employees who elect to identify themselves as a city employee shall post a disclaimer that they do not represent the city or a department in any official capacity.

(v) For safety and security reasons, police department employees are cautioned not to disclose their employment with the police department nor shall they or any other city employee post any information pertaining to any other employee of the police department without said other employee's permission. Further, Rockwood Police Department employees are cautioned not to do the following:

(A) Display police department logos, uniforms, or similar identifying items on personal web pages; and

(B) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as employees of the police department or as law

enforcement officers. Law enforcement officers who may be reasonably expected to work in undercover operations shall not post any form of visual or personal identification.

(h) Adherence to the city's and any departmental code of conduct is required in the personal use of social media.

(i) When engaging in social media or social networking activities, all personnel will maintain a level of professionalism in both on-duty and off-duty conduct that is consistent with the honorable mission of our city.

(ii) Employees shall not engage in speech that is false, deceptive, libelous, slanderous, misleading, obscene, sexually explicit, expresses bias against any race, any religion, or any protected class of individuals, or causes harm, to others, including speech that constitutes hate speech or harassment, nor shall employees discuss protected or confidential matters of the city or any department, including:

(A) Matters that are under investigation;

(B) Patient and employee information protected by HIPAA or medical confidentiality laws; or

(C) Personnel matters that are protected from disclosure by law.

(iii) City employees may not divulge information gained by reason of their position or authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the city or any department without express written authorization from the fire chief.

(iv) City employees should be aware that they may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization, otherwise known as defamation, to include:

(A) Publishing or posting private facts and personal information about someone without their permission that has not been revealed previously to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

(B) Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

(C) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

(i) City employees shall understand that privacy settings and social media sites are constantly changing and shall never assume that personal information posted on such sites is protected.

(j) City employees may not divulge information gained by reason of their employment, make any statements, speeches, appearances or endorsements, or publish any materials that could reasonably be considered to represent the views or positions of the city or any department without express authorization.

(k) City employees may not, during their working hours, compile any information or material intended to be posted on social media sites without express authorization from their supervisors.

(l) City employees shall expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the city at any time without prior notice.

(m) On-duty employees discussing incident and/or work-related matters in social media may inadvertently trigger public records requirements under the Tennessee Open Records Act. (as added by Ord. #12-72, Oct. 2020 *Ch4_06-20-22*)

20-606. Violations. (1) Reporting violations. Any employee becoming aware of or having knowledge of a posting, or of any website or webpage, in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

(2) Violation of this social media policy may result in disciplinary action up to, and including, termination.

(3) Police department employees are further reminded that engaging in prohibited speech noted herein may be grounds for undermining or impeaching a police officer's testimony in a criminal proceeding. Police department employees thus sanctioned are subject to disciplinary action up to, and including, termination. (as added by Ord. #12-72, Oct. 2020 *Ch4_06-20-22*)

CHAPTER 7

ROCKWOOD MUNICIPAL PARK

SECTION

20-701. Prohibited conduct.

20-702. Controlled substances.

20-703. Hours of operation.

20-704. Penalty.

20-705. Use of tobacco, vapor products.

20-701. Prohibited conduct. No person shall do any of the following in the park:

(1) Climb or lie upon any tree, shrub, fence, statue, monument, stage or fountain.

(2) Be inside the park when the park is not open to the public.

(3) Use any area in the park for changing clothing, other than an area, if any, specifically designated for that purpose.

(4) Play, practice or otherwise participate in any game, sport or activity that is destructive to the lawn, plants, walls, sidewalks or other infrastructure of said park, except upon places specifically designated for that game, sport or activity.

(5) Destroy or damage the lawn, plants, walls, sidewalks or other infrastructure of said park, except by written permission from the City of Rockwood.

(6) Drive stakes, posts, poles or any other device or dig holes for the purpose of securing stakes, post poles or any other device, including to erect a tent or other structure, except by written permission from the City of Rockwood.

(7) Dispose of trash, refuse, rubbish, debris, garbage, or waste, other than in city-provided receptacles that are clearly marked for such disposal.

(8) Leave or dispose of any urine or feces other than in a city-provided restroom facility or porta-let open to members of the public for that purpose.

(9) Erect a tent or shelter of natural or synthetic material, or prepare a sleeping bag or other bedding material for the apparent purpose of sleeping. (as added by Ord. #12-82, Dec. 2021 *Ch4_06-20-22*)

20-702. Controlled substances. No person shall commit any of the following acts in the park:

(1) Sell, distribute, make available or offer to provide a controlled substance or prescription drug to another.

(2) Possess a controlled substance without a valid prescription.

(3) Solicit another to provide, make available, sell or distribute a controlled substance or prescription drug. (as added by Ord. #12-82, Dec. 2021 *Ch4_06-20-22*)

20-703. Hours of operation. The park is open daily from sunrise to sundown. No one shall be within the boundaries of the park before sunrise or after sundown without the express permission of the City of Rockwood. (as added by Ord. #12-82, Dec. 2021 *Ch4_06-20-22*)

20-704. Penalty. A violation of any provision of this chapter shall subject the offender to a penalty of (\$00.00) per violation. Each violation shall be considered a separate offense. (as added by Ord. #12-82, Dec. 2021 *Ch4_06-20-22*)

20-705. Use of tobacco, vapor products. (1) It shall be unlawful for any person to use tobacco products or vapor products on the grounds of any city-owned or city-controlled playground, park, greenway or property that is accessible for use by youth. This prohibition contained in this section does not apply to buildings, sidewalks, or roads.

(2) As used in this section:

(a) "Playground" means an indoor or outdoor facility that is intended for recreation by children.

(b) "Greenway" means an open-space area following a natural or man-made linear feature designed to be used for recreation, transportation and conservation, and to link services and facilities, or a paved, gravel-covered, wood chip-covered, or wood-covered path that connects one greenway entrance with another greenway entrance.

(c) "Tobacco product" means any product that contains tobacco and is intended for human use.

(d) "Vapor product" means any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of the shape or size, that can be used to produce or emit a visible or non-visible vapor, and/or includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product. "Vapor product" does not include any product regulated under the Federal Food, Drug and Cosmetic Act as codified at 21 U.S.C. §§ 351 through 360.

(e) "Youth" means persons under the age of twenty-one (21) years. (as added by Ord. #12-86, April 2022 *Ch4_06-23-22*)

CHAPTER 8**UNAUTHORIZED USE OF ELECTRICITY****SECTION**

20-801. Definitions.

20-802. Unauthorized use of electrical outlet.

20-803. Penalty.

20-801. Definitions. The following terms shall be defined as set forth below:

(1) An "electrical outlet" is an electrical socket, receptacle or fitting that is connected to a source of electrical current and equipped to receive an insert or a plug from a device that is operated or charged by electrical current, so that electrical current can be received by said device.

(2) An "account holder" is a person, group, association, corporation, limited liability company, partnership, governmental entity, or other entity that provides the electrical current for an electrical outlet, or is otherwise required to pay the provider of the electrical current for an electrical outlet money or other consideration for providing electrical current to said electrical outlet.

(3) A "public place" is an indoor or outdoor area, whether privately or publicly or governmentally owned, to which the public has access by right or by invitation, whether expressed or implied, whether by payment of consideration or not, but not a place used exclusively by one (1) or more individuals for a private gathering or other personal purpose.

(4) An "electrical device" is anything that is powered by electricity or contains a battery that is charged by electricity. (as added by Ord. #12-83, Jan. 2022 *Ch4_06-20-22*)

20-802. Unauthorized use of electrical outlet. It is unlawful for any person to connect an electrical device to an electrical outlet located in any public place, without first obtaining the consent of the account holder. (as added by Ord. #12-83, Jan. 2022 *Ch4_06-20-22*)

20-803. Penalty. Any person found violating this ordinance shall be punishable by a penalty of up to ten dollars (\$10.00) for each violation. Each act of connecting an electrical device to an electrical outlet in any public place without the consent of the account holder shall be a separate and independent violation. (as added by Ord. #12-83, Jan. 2022 *Ch4_06-20-22*)

APPENDIX**A. OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN.****APPENDIX A**

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN FOR THE EMPLOYEES OF THE CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY.

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director(s) of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.

- h. Provide reasonable opportunity for and encourage 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 which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

- a. **COMMISSIONER OF LABOR and Workforce Development** means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. **EMPLOYER** means the **CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY** and includes each administrative department, board, commission, division, or other agency of the **CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY**.
- c. **SAFETY DIRECTOR(S) OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY DIRECTOR(S)** means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of the **CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY**.
- d. **INSPECTOR(S)** means the individual(s) appointed or designated by the Safety Director(s) of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director(s) of Occupational Safety and Health.
- e. **APPOINTING AUTHORITY** means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. **EMPLOYEE** means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This

definition shall not include independent contractors, their agents, servants, and employees.

- g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

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

- l. ACT or TOSH Act shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board

of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.

- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYERS RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to ensure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Director(s) or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety Director(s) any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section

- may file a complaint alleging such discrimination with the Safety Director(s). Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
 - k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director(s) within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Safety Director(s) of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
 - 1. The Safety Director(s) may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
 - 2. The Safety Director(s) may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director(s).
 - 3. The Safety Director(s) shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
 - 4. The Safety Director(s) may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
 - 5. The Safety Director(s) shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 - 6. The Safety Director(s) shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed.

He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

7. The Safety Director(s) shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Safety Director(s) shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Safety Director(s) shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours. All work-related inpatient hospitalizations, amputations, and loss of an eye must be reported to TOSHA within 24 hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.
1. The administrative or operational head shall follow the directions of the Safety Director(s) on all issues involving occupational safety and health of employees as set forth in this plan.
 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director(s) within the abatement period.
 3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director(s) along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE

The Safety Director(s) may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Director(s) should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where

employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer:
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has as effective Program Plan for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director(s) of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Director(s) will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director(s) will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or

the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director(s) and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Safety Directors) who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Safety Director(s) and/or Compliance Inspector(s):
 - 1. Arrangements will be made for the Safety Director(s) and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
 - 2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocuting; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

- iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Ordinance, the Safety Director(s) and/or Compliance Inspectors), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director(s) or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director(s) or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Safety Director(s) need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director(s).
 - 2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director(s).
- i. The Safety Director(s) shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 1. The Safety Director(s) shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 2. If the alleged imminent danger situation is determined to have merit by the Safety Director(s), he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director(s) or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director(s) or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by or to the Safety Director(s) describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director(s) in accordance with subsection (i) of Section XI of this plan.

- b. Refusal to Abate.
 - 1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director(s) and Chief Executive Officer immediately.
 - 2. The Safety Director(s) and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Safety Director(s) or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director(s) shall:
 - 1. Issue an abatement order to the head of the worksite.
 - 2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 - 1. The standard, rule, or regulation which was found to be violated.
 - 2. A description of the nature and location of the violation.
 - 3. A description of what is required to abate or correct the violation.
 - 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director(s) in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director(s) shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Director(s) shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand.
 2. Written reprimand.
 3. Suspension for three (3) or more working days.
 4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Director(s) pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, **DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08**, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety Safety Director(s) within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the

APPENDIX-I WORK LOCATIONS

Work Location - Name	Address	Contact Person	Phone #	# Employees
CITY HALL	110 N. Chamberlain Ave.	Becky Ruppe	865-354-0611	5 Full time
FIRE DEPARTMENT	115 N. Chamberlain Ave.	Chief Matt Crabtree	865-354-3121	13 Full Time 10 Paid on Call
POLICE DEPARTMENT	115. N. Chamberlain Ave.	Chief Bill Stinnett	865-354-3388	17 Full Time
LIBRARY	117 N. Front Ave.	Margaret Marrs	865-354-1281	1 Full Time 3 Part Time
PUBLIC WORKS Streets, Garage	149 S. Front Ave.	Rick Crawford	865-354-0184	12 Full Time 2 Paid on Call
GOLF COURSE	5159 Roane State Hwy.	Eric Everhart	865-354-2121	2 Full Time 4 Paid on Call
PARKS AND RECREATION	710 N. Chamberlain Ave.	Jacob Andrews, Interim	865-354-0434	3 Full Time 1 Part Time 10 Seasonal
AIRPORT	258 Rockwood Airport Drive	Richard Spradling	865-354-3023	2 Full Time 2 Part Time

Work Location - Name	Address	Contact Person	Phone #	# Employees
TOTAL				55 Full Time Part time and Seasonal Varies

RWSG ORGANIZATIONAL CHARTER/WORK LOCATIONS

Work Location - Name	Address	Contact Person	Phone #	# Employees
Rockwood City Hall	110 N. Chamberlain Ave.	Paula Gilmore/Joan Kerley	865-354-0163	3 full time
Operation Building	116 S. Church St.	John Skidmore Kim Ramsey	865-354-4221 865-354-4221	17 full time 1 part time
Rockwood Water Plant	1418 Abels Valley	Bonnie Fugate	865-354-2894	6 full time 1 part time
Rockwood WWTP	900 S Chamberlain	Dennis Hale	865-354-9682	3 full time

Work Location - Name	Address	Contact Person	Phone #	# Employees
TOTAL				29 Full Time 2 Part time

UTILITY WORK LOCATIONS

Work Location - Name	Address	Contact Person	Phone #	# Employees
Rockwood Office	319 W. Rockwood Street	Mike Miller	865-354-0514	20
Rockwood Warehouse	125 S. Wilder Ave.	Marty Hill	865-354-0514	17 (15 are outside employees)

APPENDIX-II NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES of THE CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY.

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director(s) or the City Administrator.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Safety Director(s) and/or City Administrator for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of THE CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY is available for inspection by any employee at CITY HALL during regular office hours.

Signature: MAYOR

Date

(Either answer questions 1-11 or fill in the statement below)

1. Prorated portion of wages, salaries, etc., for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the Program Plan.
11. Contingencies and miscellaneous.

TOTAL ESTIMATED PROGRAM PLAN FUNDING, ESTIMATE OF TOTAL BUDGET FOR:

OR Use This Statement:

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that THE CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY, has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

APPENDIX-IV ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Director(s) as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director(s) and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Director(s) will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director(s) and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Director(s) and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Director(s) and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director(s) and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director(s) or Compliance Inspector, if necessary) and will

complete a written report on the accident or illness and forward it to the Safety Director(s) within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director(s) will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under PROGRAM PLAN in Section V. ADMINISTRATION, Part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

ORD-1

ORDINANCE NO. 1033

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF ROCKWOOD TENNESSEE.

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

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

WHEREAS the City Council of the City of Rockwood, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Rockwood Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWOOD, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Rockwood Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing court costs; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict

with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

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

¹State law reference

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

ORD-3

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The city council, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, August 16, 1999.

Passed 2nd reading, September 20, 1999.

Harold D. Holloway

Mayor

David B. Allen

Recorder